



COUNTRY DETENTION REPORT

IMMIGRATION DETENTION IN NORWAY: FEWER ASYLUM SEEKERS BUT MORE DEPORTEES

February 2018

ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

Global Detention Project

3 rue de Varembe

1202 Geneva

Switzerland

Email: admin@globaldetentionproject.org

Website: www.globaldetentionproject.org

Front cover image: A guard at Norway's Trandum Immigration Detention Centre demonstrates how to use a restraining device while inside one of the facility's isolation cells, 7 February 2018. © Michael Flynn/Global Detention Project.

This report is also available online at www.globaldetentionproject.org

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1. INTRODUCTION

Norway does not experience acute migratory pressures, has diminishing numbers of asylum seekers arriving at its borders, and has a comparatively small immigration detention system. However, the country operates its sole immigration detention centre according to a highly securitized regime, continues to boost the numbers of people it deports annually, and—similar to controversial practices in the [United States](#) and elsewhere—undertakes targeted raids of businesses that are known to employ undocumented people from some of the world's more conflict-plagued countries, like [Afghanistan](#) and [Somalia](#).¹

In 2016, 3,485 people sought asylum in Norway, a historically low figure that contrasts dramatically with statistics from previous years. In 2015, for instance, Norway received 31,110 asylum applications.² However, even as asylum requests have dropped precipitously, the number of people removed from the country has continued to climb. In 2016, Norway expelled 5,940 non-citizens, a number comparable to those deported from [Italy](#) that same year. In 2015, Norway returned 5,450; in 2014, 5,365; in 2013, 4,450; and in 2012, 4,045.³

The increasing number of removals has been triggered by a goal set by authorities in 2014 to increase the number of deportations from the country.⁴ The country now detains between 3,000-4,000 non-citizens annually.⁵

Norway operates one dedicated immigration detention centre, the Trandum Detention Centre ([Trandum Utlendingsinternat](#)), which is a former military barracks located near Oslo's Gardermoen Airport. While the centre generally offers good material conditions and is visited a few times a year by a Supervisory Board capable

¹ F. Nelson, "The Norway Model: A New Approach to Immigration and Asylum," *The Spectator*, 25 November 2017, <https://blogs.spectator.co.uk/2017/11/the-norway-model-a-new-way-to-think-about-immigration-and-asylum-in-europe/>

² Eurostat, "Asylum and Dublin Statistics," <http://ec.europa.eu/eurostat/data/database>

³ Eurostat, "Asylum and Dublin Statistics," <http://ec.europa.eu/eurostat/data/database>

⁴ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁵ *Tilsynsrådet for Politiets utlendingsinternat, Trandum, "Årsrapport 2016,"* 2017, <https://www.politiet.no/globalassets/dokumenter/pt/tilsynsradet-for-utlendingsinternatets-arsrapport-2016>; *Tilsynsrådet for Politiets utlendingsinternat, Trandum, "Årsrapport 2015,"* 2016, https://www.regjeringen.no/contentassets/e19229021ca74bee9f678d1b52b70f4b/arsrapport_trandum_2015.pdf; The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

of making unannounced visits, it has also been the scene of several incidents, riots, and attempted suicides. The centre is operated by uniformed police and has a prison-like regime. Following its 2015 visit, the Ombudsman observed that the general impression was excessive attention to control and security at the expense of individual detainees' wellbeing. The centre uses some of the same security procedures that are used in the country's correctional facilities: detainees can be locked in their rooms, security cells and solitary confinement are used, and room and intrusive body searches are conducted.⁶ Following its visit in 2014, the Norwegian Association for Asylum Seekers (NOAS) also noted that with policies such as detainees being locked in their rooms overnight, the regime within the centre was similar to that in ordinary prisons.⁷

In 2012, amendments to the Immigration Act were introduced—the list of grounds for detention was expanded and the threshold for assessing the need to impose detention was lowered.⁸ This facilitated an increased use of detention in order to make return policies more efficient. Since then, there has been a gradual toughening of legislative provisions and today, the current legislation poses two main problems: the presence of a long list of grounds justifying detention and extensive criteria for assessing the risk of absconding, as well the lack of a detention time-limit.

⁶ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁷ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

⁸ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. The Norwegian legislative framework governing immigration detention is provided in the 2008 Act on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Act) (*Lov om utlendingers adgang til riket og deres opphold her (utlendingsloven)*).

2.2 Grounds for detention. Section 106(1) of the Immigration Act lists eight grounds justifying the detention of non-citizens. A non-citizen may be detained if: (a) he is not cooperating in clarifying his identity or if there are specific grounds for suspecting that he has given a false identity; (b) there are specific grounds for suspecting that he will evade the implementation of a return decision or Dublin transfer decision; (c) he fails to comply with the alternatives to detention; (d) he is subject to a final expulsion decision on account of being sentenced to a penalty and that there is a risk, in view of his personal circumstances, that he will commit new criminal offences; (e) he does not do what is necessary to fulfil his obligation to procure a valid travel document, and the purpose is to bring him to the foreign service mission of the country concerned so that he can be issued a travel document; (f) he is in transit in a Norwegian airport, with a view to removal; (g) his asylum claim is likely to be denied on account of the safe country principle, unless the person concerned is a child or has children who have also applied for protection; or (h) his asylum application is considered unfounded and is treated within 48 hours, unless the person concerned is a child or has children who have also applied for protection. The ground under paragraph (d) gives rise to particular concern, because it implies the use of immigration detention for penalising—or preventing—criminal activities.⁹

These grounds were largely introduced into legislation by amendments between 2012 and 2016. Previously, Norway's Immigration Law listed considerably fewer grounds justifying immigration detention. In fact, in 2010 there were just three (albeit broad) grounds for detention: the lack of identification papers or existence of reasonable grounds for believing that a person is presenting false information; a risk of absconding; and the failure to properly observe rules on entry and stay in the

⁹ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

country.¹⁰ In 2012, the number of grounds justifying detention was expanded from three to seven.¹¹

Section 106a details the criteria for assessing the risk of absconding. These are: (a) the foreign national has evaded implementation of a return decision, including failure to comply with the voluntary departure period; (b) the foreign national has explicitly refused to leave the country voluntarily; (c) the foreign national has been expelled from the country; (d) the foreign national has been sentenced to a penalty or a special sanction in the country; (e) the foreign national has demonstrated a lack of cooperation in response to doubt regarding his or her identity; (f) the foreign national is avoiding or complicating preparations for removal; (g) the foreign national has given false information to Norwegian authorities in connection with his or her application for a permit; (h) the foreign national has failed to give notification of a change of abode; (i) the foreign national is responsible for serious disturbances of the peace at a residential centre for asylum seekers; (j) the foreign national has been found to pose a threat to fundamental national interests; (k) the foreign national's asylum application has been rejected based on the safe country principle; or (l) the foreign national's application for a residence permit has been rejected as 'clearly unfounded'. The last two criteria were added by amendments to the Immigration Act in 2015-2016.

The same provision, however, also explains that these criteria are not listed in an exhaustive manner.¹² Although the risk of absconding is to be assessed on a case-by-case basis, section 106a also provides that to determine whether there is a risk of absconding, an overall assessment must be carried out in which weight may be given to the above listed criteria as well as general experience relating to non-citizens absconding. The lack of an exhaustive list of criteria revealing the risk of absconding, and thus justifying detention, appears to be incompatible with article 5 of the [European Convention on Human Rights \(ECHR\)](#), which enshrines the right to liberty. According to the [European Court of Human Rights](#), domestic legal provisions authorising detention should satisfy the general principle of legal certainty, which implies that they should be sufficiently accessible, precise, and foreseeable in their application in order to avoid the risk of arbitrariness.¹³ On this basis, according to the [UN Working Group on Arbitrary Detention](#) and [Special Rapporteur on the human](#)

¹⁰ See the Global Detention Project's 2010 report on Norway, <https://www.globaldetentionproject.org/immigration-detention-in-norway>

¹¹ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

¹² Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>; Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

¹³ European Court of Human Rights (ECtHR), "Case of *Sadaykov v. Bulgaria*, 75157/01," 22 May 2008, <http://hudoc.echr.coe.int/eng?i=001-86452>; European Court of Human Rights (ECtHR), "*Nasrulloev v. Russia*, 656/06," 11 October 2007, <http://hudoc.echr.coe.int/eng?i=001-82654>

[rights of migrants](#), the grounds justifying immigration detention should be clearly defined and exhaustively enumerated in the legislation.¹⁴

In 2012, the [UN Committee against Torture](#) expressed concern over the increased numbers of migrants detained in Norway, and called on the country to ensure that non-citizens are detained only according to the law and to decrease the use of immigration detention.¹⁵

2.3 Children. In 2013, in the course of the [Universal Periodic Review \(UPR\)](#), Norway recommended that [France](#) limit the detention of migrants and asylum seekers, especially when families with young children are concerned.¹⁶ Yet, Norway itself detains children and families.

The Immigration Act implicitly allows the detention of children. It states that if the detained person is a child, the police must bring him or her before the district court no later than one day after his or her detention, while adults are to be taken before the court within three days of their detention (section 106(4)). Pursuant to section 106(3) of the Immigration Act, sections 174 to 191 of the Criminal Procedure Act (Lov om rettergangsmåten i straffesaker (Straffeprosessloven)) should apply to detention proceedings, "as appropriate."¹⁷ Some of these provisions refer to children. Under sections 174 and 184 of the Criminal Procedure Act, children should not be detained unless specifically required or it is absolutely necessary.¹⁸ According to section 183, the Child Welfare Service must be notified when a child is detained. The Child Welfare Service should be present at the first hearing as well as during subsequent hearings, unless the court finds participation unnecessary.

In 2014, 330 children were detained at the Trandum detention centre—10 of whom were unaccompanied—compared to 229 in 2013.¹⁹ According to the Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration, women and families were placed in one unit and unaccompanied children were placed in another.²⁰ Previously, in 2011, the detention of families was limited to two weeks and

¹⁴ Human Rights Council, "Report of the Special Rapporteur on the Human Rights of Migrants, François Crépeau: Detention of Migrants in an Irregular Situation, A/HRC/20/24," 2 April 2012,

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-24_en.pdf; Human Rights Council, "Report of the Working Group on Arbitrary Detention: Thematic Considerations: Detention of Immigrants in Irregular Situations, A/HRC/10/21," 16 February 2009, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=15000

¹⁵ Committee against Torture, "Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Norway, Adopted by the Committee at its Forty-Ninth Session (29 October to 23 November 2012), CAT/C/NOR/CO/6-7," 13 December 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/NOIndex.aspx>

¹⁶ Human Rights Council, "Report of the Working Group on the Universal Periodic Review: France, A/HRC/23/3/Add.1," 28 May 2013, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/FRIIndex.aspx>

¹⁷ For more information, see "Procedural Guarantees" below.

¹⁸ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>

¹⁹ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

²⁰ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>

children to one week²¹ (and women, families, and children were detained in one unit (Unit D)²²). Since 2014, unaccompanied children have usually been detained for maximum of one day prior to removal.²³

In May 2017, the Borgarting Court of Appeal in Oslo found that the twenty-day detention of an Afghan family with four children aged 7-14 violated the children's right to liberty and protection from ill-treatment, which are enshrined in both domestic and international law. Specifically, their detention violated provisions of the Constitution (article 93(2) prohibiting inhuman or degrading treatment and article 94(1) protecting personal liberty), the ECHR (article 3 of the ECHR prohibiting inhuman and degrading treatment and article 5(1) protecting the right to liberty) and the [Convention on the Rights of the Child](#) (article 3 setting forth the principle of the best interests of the child and article 37(b) protecting the right to liberty). The Court stressed that while children can be detained when it is strictly necessary, it doubted whether detention beyond two days was strictly necessary to carry out expulsion.²⁴

Shortly before the Court of Appeal reached its judgment, the Norwegian government presented a proposal to amend the Immigration Act—specifically, to limit the duration for which children can be detained. The proposal also foresaw the construction of a new detention centre for families with children, with a “more civilian character” but managed by the same police unit that runs the Trandum detention centre. The centre would house three families at a time.²⁵

As of early 2018, children and families are no longer detained at the Trandum detention centre but at a transitional facility, pending the opening of the new centre.²⁶

Unaccompanied children who are not detained are either placed in Child Welfare Service centres (if they are below 15, they have special needs, or are victims of trafficking), or reception centres (either specialised for children or with a special units for them in ordinary centres) run by the Norwegian Directorate of Immigration (if they are above 15).²⁷

²¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Norwegian Government on the Visit to Norway Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33,” December 2011, <https://www.coe.int/en/web/cpt/norway>

²² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Norwegian Government on the Visit to Norway Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33,” December 2011, <https://www.coe.int/en/web/cpt/norway>

²³ Institute for Social Research, “Unaccompanied Minors in Norway: Policies, Practices and Data in 2014,” 2014, <http://bit.ly/2GwmUZH>; Norwegian Association for Asylum Seekers (NOAS), “Detention of Asylum Seekers: Analysis of Norway’s International Obligations, Domestic Law and Practice,” 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

²⁴ M. Linha, “Historic Norway Ruling: Detention of Children is Inhumane,” International Detention Coalition, 17 July 2017, <https://idcoalition.org/news/inhumane-detention-of-children-in-norway/>

²⁵ M. Linha, “Historic Norway Ruling: Detention of Children is Inhumane,” International Detention Coalition, 17 July 2017, <https://idcoalition.org/news/inhumane-detention-of-children-in-norway/>

²⁶ Global Detention Project visit to Trandum detention centre, February 2018.

²⁷ Institute for Social Research, “Unaccompanied Minors in Norway: Policies, Practices and Data in 2014,” 2014, <http://bit.ly/2GwmUZH>

2.4 Length of detention. Detention under paragraph (g) of section 106(1) can last up to seven days, while detention under paragraph (h) cannot exceed three days. Detention under paragraphs (b) to (f) may be ordered for successive four-weeks periods (section 106(3)). Pursuant to section 106(5), the overall period of custody may not exceed 12 weeks, unless there are particular reasons to the contrary. Mirroring the EU Returns Directive, this provision permits the detention to be extended by up to 18 months if the person concerned does not cooperate in the removal process or if there are delays in procuring the necessary documents from the authorities of another country. Unlike the Returns Directive however, it allows the 18-month detention period to be extended if the foreign national has been expelled on account of a penalty or special sanction. The Ministry of Justice and Public Security has argued that the Directive does not apply to security cases. Yet, according to the [Norwegian Association for Asylum Seekers](#), the Immigration Act should set the maximum permissible length of detention in all cases.²⁸

In practice however, people tend to be detained for much shorter periods than the maximum duration permitted by the legislation. In 2014, 48 percent of detainees were held for less than one day, 24 percent were detained for between one and three days, 17 percent for between four and 21 days, and 11 percent for over 21 days.²⁹

In 2012, the UN Committee against Torture expressed its concern regarding the use of lengthy immigration detention. It urged the country to only hold people in detention for the duration laid down in law and to reduce the length of immigration detention.³⁰

During its 2011 visit, the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) learned that detainees were rarely held for longer than a few months. In practice, the detention of families was limited to two weeks, and one week for children.³¹

2.5 Procedural guarantees. The chief of police, or the individual authorised by the chief of police, can detain a person on migration-related charges. If there is a risk of absconding, any police officer may carry out the arrest (Immigration Act, section 106(3)).

Pursuant to section 106(3) of the Immigration Act, sections 174 to 191 of the Criminal Procedure Act ([Lov om rettergangsmåten i straffesaker](#)

²⁸ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

²⁹ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

³⁰ Committee against Torture, "Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Norway, Adopted by the Committee at its Forty-Ninth Session (29 October to 23 November 2012), CAT/C/NOR/CO/6-7," 13 December 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/NOIndex.aspx>

³¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

[\(Straffeprosessloven\)](#)) should apply as appropriate. Accordingly, detention decisions should be in writing and contain the reason for the arrest. If there is a risk of absconding, the decision may be given orally but must be recorded as soon as possible (section 175(1)). However, the Norwegian Association for Asylum Seekers noted that there is a lack of clarity in regards to how applicable the safeguards embodied in the Criminal Procedure Act are to immigration detention procedures.³²

The Immigration Act provides for automatic judicial review of detention. If the police wish to detain an arrested person, they must bring him before the district court with an application for his detention (section 106(3)-(4)) at the earliest opportunity—and no later than the third day following his arrest (or the day after the arrest if the person is a minor). Prior to the 2014 amendment to the Immigration Act, section 106 detailed that a non-citizen should be brought before the court the day after their arrest.

During the hearing, the district court should decide whether to order a non-citizen's detention. The non-citizen concerned should always be present at the hearing, and the ruling itself should include relevant legal provisions, grounds for detention, and why detention is not a disproportionate measure (section 184 of the Criminal Procedure Act). The person concerned also has the right to be present before the court when an extension is decided, but the court may decide that a hearing can instead be held via video conference (section 185(4) of the Criminal Procedure Act) whereby the detainee and the counsel sit in a special room inside the detention centre. In practice, the detainee and his counsel are physically present at the hearing concerning initial detention, and attend subsequent hearings remotely. The main elements of a decision are translated, and the decision may be appealed within two weeks.³³

Detainees have access to free legal assistance throughout the court proceedings, as well as free language assistance³⁴ (the Immigration Act provides for the right to legal representation). Under section 92(4), the court must appoint a legal counsel for proceedings relating to immigration detention. The court should make funds available for the counsel and should automatically appoint a legal counsel to represent the person during the review proceedings. The quality of legal assistance is questionable however, as the legal counsel rarely has sufficient time to study the case and only meets with the detainee in person 30 minutes before the hearing (although the court may grant more time upon request, if needed). Regarding linguistic assistance, the Norwegian Association for Asylum Seekers observed that in

³² Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

³³ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

³⁴ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>; Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

practice, interpreters are not always available and their competence is sometimes questionable.³⁵

Non-citizens in detention are entitled to make complaints to the Supervisory Board (see “Infrastructure” below). There are complaint boxes in all detention units of the Trandum detention centre, and these can only be accessed by the centre’s Board.³⁶ However, as the GDP learned, this procedure is far from effective as the Board only visits the centre a few times a year.³⁷

2.6 Trends and statistics. Norway detained 4,112 non-citizens in the Trandum detention centre in 2016, 3,191 in 2015, 4,182 in 2014, 3,266 in 2013, and 2,164 in 2012.³⁸ These figures do not include individuals who were placed in detention the year before.

2.7 Non-custodial measures and “alternatives to detention.” Under section 106(2) of the Immigration Act, no detention order can be issued if reporting duties or an order to stay in a specific place (as regulated under section 105) are sufficient. Under reporting duties, the person concerned is obligated to report regularly to the police. The obligation to stay in a specific place refers to living at a private address or in an open reception centre.³⁹ More generally, the Immigration Act enshrines the principle of proportionality. By virtue of article 99, a coercive measure may only be applied when there is sufficient reason to do so. Such a measure may not be applied where doing so would constitute a disproportionate intervention in light of the nature of the case and other factors. In the assessment of the feasibility of alternatives to detention, the person’s age and health conditions are considered, as well as the risk of absconding and whether the person stayed previously at a known address.⁴⁰

As observed by the Norwegian Association for Asylum Seekers, data on the use of alternatives is not systematically collected, so it is difficult to ascertain whether these

³⁵ Norwegian Association for Asylum Seekers (NOAS), “Detention of Asylum Seekers: Analysis of Norway’s International Obligations, Domestic Law and Practice,” 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

³⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Norwegian Government on the Visit to Norway Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33,” December 2011, <https://www.coe.int/en/web/cpt/norway>

³⁷ Global Detention Project visit to Trandum detention centre, February 2018.

³⁸ *Tilsynsrådet for Politiets utlendingsinternat, Trandum, “Årsrapport 2016,”* 2017, <https://www.politiet.no/globalassets/dokumenter/pu/tilsynsradet-for-utlendingsinternatets-arsrapport-2016>; *Tilsynsrådet for Politiets utlendingsinternat, Trandum, “Årsrapport 2015,”* 2016, https://www.regjeringen.no/contentassets/e19229021ca74bee9f678d1b52b70f4b/arsrapport_trandum_2015.pdf; The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, “Visit Report: The Police Immigration Detention Centre at Trandum 19-21 May 2015,” 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

³⁹ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), “*The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway*,” 2014, <http://bit.ly/2EHdIKJ>

⁴⁰ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), “*The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway*,” 2014, <http://bit.ly/2EHdIKJ>

measures are used in practice or what impact they may have on overall detention rates.⁴¹

2.8 Criminalisation. By virtue of section 108 of the Immigration Act, a fine and/ or imprisonment for up to six months may be imposed on anyone who deliberately—or through negligence—enters or exits Norway outside border crossings, fails to immediately report to the border control authorities or the nearest police authority after entering the country, leaves the country without exit control, or does not possess a residence permit for a stay exceeding three months.

2.9 Privatisation. According to the European Committee for the Prevention of Torture, Norway's immigration authorities discontinued the employment of private security staff in 2007. Instead the centre began to be run exclusively by police staff.⁴² In 2007, the country's Ombudsman criticised operations at the facility, highlighting the lack of legal directives and regulations and the use of private security guards—previously Falck Norge AS, then Group 4 Securicor and G4S—who used force beyond their legal mandate.⁴³ In 2010, the Norwegian Labour Inspection Authority (NLIA) criticised the use of private security guards and recommended a review of Trandum's operations.⁴⁴ The Police Foreign Unit countered criticism by claiming that private contractors were "transportation attendants" with limited authority, and that they had received adequate training.⁴⁵ Reportedly, between 2007 and 2010, the centre continued to use private security guards at certain times when they were needed. Since 2010, they have not been employed as there was no longer any need for their service.⁴⁶

Although the use of private security guards has been discontinued, Trandum employs doctors from the private company Legetjenester, with which the centre signed a contract, and directly employs private nurses.⁴⁷ The Ombudsman has criticised these arrangements, arguing that they raise questions about the independence of the health service. For instance, during its 2017 visit to Trandum, the Ombudsman found that decisions to place detainees in the security unit were reportedly based on advice from doctors, which the Ombudsman found problematic

⁴¹ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

⁴² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁴³ Ombudsman, "Særskilt melding fra Sivilombudsmannen: Ombudsmannens undersøkelse av Politiets utlendingsinternat på Trandum, Document nr 41 (2006-2007)," 2007, <http://bit.ly/2oks9nA>

⁴⁴ J. Sandvig, "Trandum: Ansatte og innsatte lever i frykt," *Aftenposten*, 25 March 2010, <http://www.aftenposten.no/nyheter/iriks/article3581945.ece>; S. Dregelid, "Trandum ute av kontroll," *Politi Forum*, 2010, <https://www.politiforum.no/artikler/trandum-ute-av-kontroll/383648>

⁴⁵ *Politiets Utendingsenhet* (The Police Foreign Unit), "Press release," 15 March 2010; *Politiets Utendingsenhet* (The Police Foreign Unit), "Press release," 19 March 2010, see Global Detention Project's 2010 report on Norway, <https://www.globaldetentionproject.org/immigration-detention-in-norway>.

⁴⁶ Global Detention Project visit to Trandum detention centre, February 2018.

⁴⁷ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

regarding medical ethics.⁴⁸ Moreover, it was reported in 2016 that one physician who has worked at the centre for 12 years and who is involved in advising on deportations has posted anti-immigration comments online.⁴⁹ The Ombudsman has urged authorities to establish an arrangement that ensures that medical assistance is provided by professionally independent medical staff, and that detainees can contact medical personnel in a way that safeguards their confidentiality.⁵⁰

2.10 Regulation of detention conditions. According to section 107(1) of the Immigration Act, a non-citizen who is subject to immigration detention should as a general rule be placed in an immigration detention centre (*utlendingsinternatet*) or another “special adapted accommodation” (*særskilt tilrettelagt innkvarteringssted*). The possibility to detain non-citizens in the latter was provided in the 2015 amendment to the Immigration Act.

The detention centre (Trandum detention centre) is administered by the police (section 107(2)). In order to secure the purpose of the stay at the holding centre or special accommodation as well as the foreign national's rights, the police should keep a register of information regarding decisions taken, arrivals, control measures implemented, use of force and forcible means, incidents, internal transfers, departures, times of supervision, and treatment by public health personnel. An independent supervisory board shall be established to oversee the operation of the foreign national holding centre and special accommodation, as well as the treatment of foreign nationals present there (section 107(7)-(8)).

Unless otherwise provided by this Act, the foreign national concerned is entitled to receive visitors, make telephone calls, receive and send mail, have access to health services, associate with others, spend time outdoors, engage in physical activity, have privacy, and practise their religion (section 107(3)).

Under section 107(4) of the Immigration Act, where it is necessary in order to maintain peace, order or security, or to ensure the implementation of an administrative decision (such as a decision on expulsion, refusal of application for a residence permit or admissibility of asylum claim), the police may (a) search the foreign national's person, room and belongings and other objects, rooms and sections of the holding centre's area; (b) temporarily remove and keep the foreign national's money and other objects; (c) check and limit the foreign national's visits, telephone conversations and mail (telephone monitoring may not be undertaken unless both parties to the telephone call are notified beforehand); (d) check and limit the foreign national's physical activity, time spent outdoors, exercise of religion or life

⁴⁸ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, the Security Section, 28–29 March 2017," 2017, <https://www.sivilombudsmannen.no/en/visit-reports/the-police-immigration-detention-center-trandum/>

⁴⁹ T. Dommerud, "Innvandringskritisk på fritiden, lege for utlendinger uten lovlig opphold på jobb," Aftenposten, 17 November 2016, https://www.aftenposten.no/norge/i/egK2a/Innvandringskritisk-pa-fritiden_-lege-for-utlendinger-uten-lovlig-opphold-pa-jobb

⁵⁰ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19–21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

stance; or (e) search visitors (except the foreign national's legal counsel or representatives of a public authority) and others present in the holding centre's area. Measures under (a), (b), and (c) may also be implemented when where there is reason to believe that a foreign national is concealing or withholding information about their, or another foreign national's, identity or whereabouts. Measures under (e) may also be implemented in order to investigate whether any such person is concealing information about a foreign national's identity.

According to section 107(5), where it is strictly necessary in order to maintain peace, order, or security, or to ensure the implementation of administrative decisions (such as a decision on expulsion, refusal of application for a residence permit, or admissibility of asylum claim) and if other less intrusive measures have been attempted to no avail or will clearly be inadequate, the police may (a) use force and approved forcible means; (b) place the foreign national in a high security wing or security cell; or (c) partly or totally exclude the foreign national from the company of others at the holding centre. If possible, a statement should be obtained from a doctor and be taken into consideration when assessing whether measures (b) and (c) shall be implemented or upheld.

Section 107(6) provides that measures under sections 107(4) and 107(5) may not be applied where doing so would constitute disproportionate intervention. Such measures should be applied with caution, and the police shall continuously assess whether there is a basis for upholding any such measure.

2.11 Cost of detention. According to the Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration, the total cost of immigration detention amounted to 12,360,000 euros in 2013. Out of the total spending that year; 9,100,000 euros were spent on staff; 920,000 euros on food and accommodation; 847,000 euros on legal assistance; 150,000 euros on medical assistance; and 2,100,000 euros on the rent, cleaning, energy, and maintenance of the facility.⁵¹

⁵¹ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), *"The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway,"* 2014, <http://bit.ly/2EHdIKJ>



3. DETENTION INFRASTRUCTURE

As of February 2018, Norway operated one dedicated immigration detention facility—the **Trandum Detention Centre**—located close to Gardermoen International Airport, one hour away from Oslo.⁵² According to the Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration, when the centre is at capacity, non-citizens are detained in ordinary prisons (where they are kept separate from ordinary prisoners.)⁵³ Due to the lack of relevant statistics, it is not clear how frequently non-citizens are detained in prisons.⁵⁴ As explained by one of the centre's personnel, non-citizens are generally detained in prisons for up to one day before being transferred to Trandum centre.⁵⁵

The centre, which is a former military barracks, was renovated in the early 2000s in conjunction with the opening of Gardermoen International Airport. The centre began operating in 2001 after the closure of Snarøya Aliens Detention Centre located at the former international airport.⁵⁶ Until 2004, the facility was operated by the Oslo district police. In 2004, in an effort to separate detention under the Immigration Act from detention under the Criminal Act, the centre became the responsibility of the National Police Immigration Service, which was established in January that year.⁵⁷

As of 2015, the centre has a capacity of 150 persons, including 10 places in the security unit.⁵⁸ As of 2011, the centre comprised five units: two units for male adults

⁵² Olve Kvaalen (National Police Immigration Service), National Police Immigration Detention Centre (Presentation to the Global Detention Project and Norwegian Red Cross), 12 February 2018.

⁵³ Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>

⁵⁴ Norwegian Association for Asylum Seekers (NOAS), "Detention of Asylum Seekers: Analysis of Norway's International Obligations, Domestic Law and Practice," 2014, http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf

⁵⁵ Global Detention Project visit to Trandum detention centre, February 2018.

⁵⁶ Prior to 1998, Norway detained migrants in ordinary prisons. Dedicated migrant detention facilities were introduced only after recommendations were made by the Committee for the Prevention of Torture (in 1994) and the Justice and Police Department. See Ombudsman: "Særskilt melding fra Sivilombudsmannen: Ombudsmannens undersøkelse av Politiets utlendingsinternat på Trandum, Document nr 41 (2006-2007)," 2007, <http://bit.ly/2oks9nA>

⁵⁷ Ombudsman, "Særskilt melding fra Sivilombudsmannen: Ombudsmannens undersøkelse av Politiets utlendingsinternat på Trandum, Document nr 41 (2006-2007)," 2007, <http://bit.ly/2oks9nA>

⁵⁸ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

(Units A and B), one for women, families, and children (Unit D), one secure unit (Unit C) and one additional unit (Unit E) which is rarely used.⁵⁹

The **material conditions** and **regime of activities** are generally considered adequate and have improved in the past years. In 2015, the country's Ombudsman noted that the single cells were around eight square metres and were equipped with a bed, table, and a shelf and also had private bathroom. Although many cells did not have chairs (reportedly for security reasons), the Ombudsman found that accommodation was acceptable.⁶⁰ In 2011 however, the European Committee for the Prevention of Torture noted with concern that several cells were austere, equipped merely with beds, and were without tables, chairs, or lockers.⁶¹

As of 2015, most of the units had a common room with a cupboard, benches, TV, sofa, table, and chairs. In each section, there were bookshelves with books in different languages and a few board games.⁶² This appears to be an improvement: in 2011, the European Committee for the Prevention of Torture noted that besides a TV in a common room, the detention units did not provide any board games and hardly any reading material.⁶³ The centre featured an activity centre which was comprised of a spacious common area with board games, a small sports hall, a table tennis room, a room with a TV set and video games, a reading room, and a prayer room. Detainees had access to the activity centre for four hours per day.⁶⁴

During a 2015 visit to the facility, the Ombudsman found that detainees were locked in their cells overnight and for two 45 minute periods during staff meetings in the daytime. Other than this, detainees could move freely within their units. They could go outdoors for one continuous hour and twice for 15 minutes.⁶⁵ In 2011, it was also

⁵⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>; Ministry of Justice and Public Protection and the Norwegian Directorate of Immigration (EMN National Contact Point Norway), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: The Case of Norway," 2014, <http://bit.ly/2EHdIKJ>

⁶⁰ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁶¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁶² The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum 19-21, May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁶³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁶⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁶⁵ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

noted that detainees had access to an outdoor yard for some 15 minutes, five times per day.⁶⁶

In 2012, the UN Committee against Torture welcomed the improvement of facilities at the Trandum centre, but expressed concern regarding the findings presented in the annual reports of the centre's Supervisory Board. Of particular concern were those relating to health care and the overall conditions at the centre—namely, unhealthy sanitary conditions and overcrowding. The Committee urged Norway to ensure that all detention conditions conform with international standards, including the [United Nations Standard Minimum Rules for the Treatment of Prisoners](#).⁶⁷

In 2011, the [UN Committee on the Elimination of Racial Discrimination](#) also voiced concern at the conditions in the Trandum detention centre, and urged Norway to improve the facility so that conditions are in line with relevant international human rights standards.⁶⁸

In the past few years, the overall level of **health care** assistance has reportedly improved at the centre. At the time of publication, a doctor comes to the centre five times a week and a nurse visits on a daily basis.⁶⁹ Compare this to 2011 when the European Committee for the Prevention of Torture observed that the centre was visited by a doctor three times a week, one doctor was always on call, and there were no nurses.⁷⁰ However, the lack of psychologist, criticised by the European Committee for the Prevention of Torture in 2011, still persists.⁷¹ The absence of a systematic medical screening of all newly-admitted persons has also not yet been remedied, despite the committee's clear recommendations in 2011.⁷²

During its 2011 visit, the European Committee for the Prevention of Torture also observed that if signs of ill-treatment were detected upon arrival, the injuries would be recorded in the person's medical file but not reported to any outside authority. The committee called on Norway to ensure that whenever injuries indicative of ill-

⁶⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁶⁷ Committee against Torture, "Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Norway, Adopted by the Committee at its Forty-Ninth Session (29 October to 23 November 2012), CAT/C/NOR/CO/6-7," 13 December 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/NOIndex.aspx>

⁶⁸ Committee on the Elimination of Racial Discrimination, "Concluding Observations of the Committee on the Elimination of Racial Discrimination: Norway, CERD/C/NOR/CO/19-20," 8 April 2011, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/NOIndex.aspx>

⁶⁹ Global Detention Project visit to Trandum detention centre, February 2018.

⁷⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁷¹ Global Detention Project visit to Trandum detention centre, February 2018; the Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁷² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

treatment are recorded by a doctor, the record must be systematically brought to the attention of the relevant prosecutor.⁷³

Health care is provided by a private health enterprise, with which the centre has a contract. According to the Ombudsman, this contractual relationship between the company's doctors and the centre raises questions about the independency of the health service. The Ombudsman expressed similar concerns regarding the professional independence of the nursing arrangement, as nurses are directly employed by the police. The Ombudsman thus urged the authorities to establish an arrangement which ensures that medical assistance is provided by professionally independent medical staff, and that detainees can contact medical personnel in a way that safeguards their confidentiality.⁷⁴

In 2011, these gaps in medical confidentiality were also underscored by the European Committee for the Prevention of Torture—albeit in relation to lack of nurses at the time. Requests to see a doctor were processed by the centre's personnel and medical documents were placed in detainees' administrative files. The committee urged the authorities to ensure that a qualified nurse is present on a daily basis so that they can perform initial screenings under the supervision of a doctor, handle requests to see a doctor, distribute prescribed medicines, maintain medical documentation to ensure its confidentiality, and oversee general hygiene conditions.⁷⁵ Since hiring nurses, medical confidentiality has certainly improved, yet, as observed by the Ombudsman, the contractual relationship underlying doctors' and nurses' employment at the centre may impair the relationship of trust between patients and medical personnel.⁷⁶

The European Committee for the Prevention of Torture considered detainees' levels of **contact with the outside world** generally adequate. The committee commended authorities for offering detainees a five-minute telephone call free of charge daily (including international calls).⁷⁷ Yet, more recently, the Ombudsman expressed concern at the fact that detainees did not have access to their mobile phones and

⁷³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁷⁴ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁷⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁷⁶ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁷⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

that visits were monitored by the staff. The Ombudsman recommended that authorities introduce arrangements which remedy these shortcomings.⁷⁸

Several human rights mechanisms have criticised the **security measures** employed by the centre. Following its 2015 visit, the Ombudsman observed an excessive attention to control and security at the expense of detainees' wellbeing. In fact, the centre used largely the same security procedures as the country's correctional services, such as locking detainees in their rooms, using security cells and solitary confinement, and conducting room searches. Detainees also underwent full body searches not only upon admission but also after all visits, despite a staff member always being present during the visits. The Ombudsman therefore urged authorities to carry out strip searches only when necessary and following an individual risk assessment.⁷⁹

These security measures appear to be a response to past incidents which occurred at the centre, including two riots in 2015, 18 suicide attempts, and cases of self-harm in 2014-2015. Yet, as the Ombudsman observed, control measures such as these can actually result in greater levels of unrest rather than any sense of security.⁸⁰

Detainees can be placed in the secure unit to prevent self-harm, harm to others, or escape, and when necessary, they can be subject to mechanical restraint of "body cuff" (restraint belts). However, as the Ombudsman highlighted, administrative decisions on the use of isolation and security cells were not sufficiently clear. The Ombudsman therefore recommended that all decisions contain a clear description of the incident forming the basis for the decision, as well as an explanation why less intrusive methods are insufficient.⁸¹ In 2016, 265 detainees were placed in the security section.⁸² In 2013, 35 detainees were placed in a security cell, and 43 in 2014.⁸³ Between 2010 and 2011, three persons were placed in a security cell and restrained with a "body cuff."⁸⁴ During placement in a security cell, the person is under constant supervision through CCTV and, additionally, by a staff member if the body cuff is applied. Yet, the European Committee for the Prevention of Torture

⁷⁸ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁷⁹ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁸⁰ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁸¹ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁸² The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, the Security Section, 28-29 March 2017," 2017, <https://www.sivilombudsmannen.no/en/visit-reports/the-police-immigration-detention-center-trandum/>

⁸³ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The police immigration detention centre at Trandum, 19-21 May 2015," 2015, <https://www.sivilombudsmannen.no/en/visit-reports/trandum/>

⁸⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

expressed concern that the persons concerned are not always seen by a doctor and urged the authorities to remedy this shortcoming.⁸⁵

The Ombudsman devoted its 2017 visit to the security section and found several shortcomings. In particular, the Ombudsman highlighted that a large proportion of decisions to place detainees in the security unit were based on assessments of mental condition, self-harming, or suicide risk. Decisions to place detainees in the security unit was also reportedly based on advice from health care personnel, which the Ombudsman found problematic regarding medical ethics.⁸⁶

The Ombudsman also criticised the conditions in the security section, which is comprised of three security cells and eight reinforced cells. The security cells had just a mattress on the floor, and the lack of clocks and calendars (which renders time orientation difficult) was also criticised. The Ombudsman also expressed misgivings regarding the use of video surveillance systems, instead recommending that direct visual supervision of detainees' state of health should be carried out. It was also found that detainees are often not given the opportunity to access outdoor space for an hour, and that the security section's yard consists of closed-off areas separated by high walls—something which offers “little sensory stimulation.”⁸⁷ Elsewhere, the European Committee for the Prevention of Torture has also criticised the centre's staff for carrying handcuffs, pepper spray, and extendable batons within detention areas.⁸⁸

The centre is regularly visited by volunteers of the Norwegian Red Cross and the Salvation Army. In May 2008, the Ministry of Justice and the Police appointed a Supervisory Board to monitor Trandum operations. Made up of three members (a judge, nurse, and specialist in health and safety issues), the Board has the authority to undertake visits, including unannounced ones, and to process individual complaints. The Board carried out two visits in 2008, five visits in 2009, nine in 2010, and four in 2016.⁸⁹ However, the Board's efficiency has been questioned since it does not work on a permanent basis and instead meets merely to carry out occasional visits to the centre. The process of appointing the Board's members is not clear either.⁹⁰

⁸⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁸⁶ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, the Security Section, 28–29 March 2017," 2017, <https://www.sivilombudsmannen.no/en/visit-reports/the-police-immigration-detention-center-trandum/>

⁸⁷ The Parliamentary Ombudsman Norway/ National Preventive Mechanism against Torture and Ill-Treatment, "Visit Report: The Police Immigration Detention Centre at Trandum, the Security Section, 28–29 March 2017," 2017, <https://www.sivilombudsmannen.no/en/visit-reports/the-police-immigration-detention-center-trandum/>

⁸⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁸⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Norwegian Government on the Visit to Norway Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 27 May 2011, CPT/Inf (2011) 33," December 2011, <https://www.coe.int/en/web/cpt/norway>

⁹⁰ Undisclosed source



www.globaldetentionproject.org