

Criminal detention conditions in the EU

Sweden 2021

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Part I: National standards

1. Cells

- a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling¹ observed?

In Sweden, persons who have been apprehended or arrested for a crime but not yet convicted are placed in a Remand Prison (*Häkte*). Persons who have been convicted of a crime are placed in a Prison (*Anstalt*). These two detention regimes are regulated by different sets of legislation and regulations.

According to the website of the Swedish Prison and Probation Service (SPPS), a standard cell (Remand Prison or Prison not specified) is around 10 m².² Beyond this:

Remand Prisons

According to the Ordinance on the Design of Remand Prisons and Police Cells (*Förordning om utformningen av häkten och polisarrester*), a cell in a Remand Prison shall have a minimum size of 6 m². The cubic content of the cell must be at least 15 m³ and the cell height at least 2.40 meters.³

According to the Remand Prisons Act (*Häkteslag*), two or more detainees may be placed in the same cell if this is necessary for reasons of capacity or some other special reasons.⁴ Thus, according to the regulation two detainees can be placed in the same cell (so-called double occupancy).

Prisons

There is no corresponding regulation for cell space in Prisons.⁵

Double occupancy in Remand Prisons and Prisons

In 2020, SPPS decided on special instructions regulating double occupancy, aimed at describing the conditions for double occupancy in Remand Prisons and Prisons, e.g. regarding the design and size of the cell.⁶ In the development of the instructions, relevant European case law and statements by the CPT (standard regarding cell space in prisons) have, according to SPPS, been taken into account.⁷

¹ For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

² Sweden, Swedish Prison and Probation Service (SPPS) (*Kriminalvården*) Official website, [123 Questions \(123 Frågor\)](#).

³ Sweden, [Ordinance on the design of Remand Prisons and police cells \(Förordning \(2014:1108\) om utformningen av häkten och polisarrester\)](#), 11 September 2014, section 2.

⁴ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 1.

⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

⁶ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for double occupancy in Prisons and Remand Prisons (*Kriminalvårdens anvisningar för dubbelbeläggning i anstalt och i häkte [2020:8]*), 7 April 2021.

⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021; see also, Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for double occupancy in Prisons and Remand Prisons (*Kriminalvårdens anvisningar för dubbelbeläggning i anstalt och i häkte [2020:8]*), 7 April 2021, p. 6.

Calculation requirements by CJEU

As stated above, the special instructions regulating double occupancy have, according to SPPS, taken into account the relevant case law in the area and the international regulations, including the calculation requirements by CJEU in the *Dorobantu* ruling. According to the instructions, double occupancy in Remand Prisons and Prisons must therefore not take place in a cell with a floor area of less than 6 m² (excluding toilet space).⁸ Normally, however, a cell used for double occupancy should amount to at least 8 m² (excluding toilet space), according to SPPS.⁹

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

Remand Prisons

According to the Ordinance on the Design of Remand Prisons and Police Cells, the cell should be equipped with windows so that it gets enough daylight. The cell must have a signaling device that allows detainees to get in touch with staff.¹⁰ The cell must also be sufficiently soundproofed and otherwise designed so that unauthorized contacts between the detainee and others are prevented if possible. The cell must be designed so that unauthorized persons are prevented from looking inside.¹¹

A detainee's cell must be equipped with a chair, a table, a cupboard or shelf, a bed, and other bed equipment, a mirror, a notice board, a mug, an alarm clock, a radio, and a device that enables the person to regulate the influx of daylight e.g. a window blind.¹²

These regulations do not apply if the detainee is subject to relevant restrictions, if there is a risk that the detainee will seriously injure himself or another detainee or is responsible for damage, if there is a lack of ordinary living space due to lack of space or when there is a need to make temporary relocations in order to maintain order and security. As far as possible and in consideration of security and order concerns, the cells in these cases shall be equipped with the furniture/equipment stated above.¹³

Prisons

⁸ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for double occupancy in Prisons and Remand Prisons (*Kriminalvårdens anvisningar för dubbelbeläggning i anstalt och i häkte [2020:8]*).

⁹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁰ Sweden, [Ordinance on the design of Remand Prisons and police cells \(*Förordning \(2014:1108\) om utformningen av häkten och polisarrester*\)](#), 11 September 2014, section 3. The requirement of a signaling device is also regulated in SPPS regulations and general advice about Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 1, section 18.

¹¹ Sweden, [Ordinance on the design of Remand Prisons and police cells \(*Förordning \(2014:1108\) om utformningen av häkten och polisarrester*\)](#), 11 September 2014, section 2 and 3.

¹² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 17.

¹³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 17.

A detainee's cell must be equipped with a chair, a table, a cupboard or shelf, a bed, and other bed equipment, a mirror, a notice board, a mug, an alarm clock, a radio, and a device that enables the person to regulate the influx of daylight e.g. a window blind. In a facility where the detainees are locked in their cells overnight, the cell must also be equipped with a television. In other facilities, the cell does not have to be equipped with television if there is access to one in a shared space.¹⁴ The available tv channels are: Swedish television (SVT), TV3, TV4, Channel 5 (*Kanal 5*), TV6, TV10, Al Jazeera, Discovery, Sport channel (*Sportkanalen*), Viasat Sport and Yle.¹⁵

These regulations do not apply if there is a risk that the detainee will seriously injure him/herself or another person, is responsible for damage, is separated for body-inspection or if there is a lack of ordinary cells due to lack of space. However, even in these cases the cells shall be provided with the necessary equipment as far as possible taking into account security and order concerns.¹⁶ In an institution where the detainees are locked in their cells overnight, the cell must have a signal device for communication with the staff. In other facilities, there should be such a device at each unit.¹⁷

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

The overarching legal framework concerning video surveillance is founded on EU data protection regulation and includes a number of special laws; the Criminal Data Act (*Brottsdatalag*)¹⁸, Video Surveillance Act (*Kamerabevakningslag*)¹⁹ and the Act on the Prison and Probation Service use of Personal Data within the area of the Criminal Data Act (*Lag om kriminalvårdens behandling av personuppgifter inom brottsdatalagens område*).²⁰ The Criminal Data Act applies to activities carried out to execute sentences, and regulates how personal data is processed within SPPS.

For safety and security reasons, parts of SPPS's premises are regularly under video surveillance.²¹ According to SPPS regulations and general advice about Prisons and Remand Prisons, the detainee shall be informed about the facilities, including information about the prison's use of video-surveillance.²²

¹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 17.

¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [123 Questions \(123 Frågor\)](#).

¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 17.

¹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 18.

¹⁸ Sweden, [Criminal Data Act \(Brottsdatalag \[2018:1177\]\)](#), 20 June 2018.

¹⁹ Sweden, [Camera Surveillance Act \(Kamerabevakningslag \[2018:1200\]\)](#), 20 June 2018.

²⁰ Sweden, [Act on the Prison and Probation Service use of personal data within the area of the Criminal Data Act \(Lag \[2018:1699\] om kriminalvårdens behandling av personuppgifter inom brottsdatalagens område\)](#), 15 November 2018.

²¹ Sweden, [Swedish Parliamentary Ombudsman \(Riksdagens ombudsman\) Report from the OPCAT unit 2018 \(Rapport från OPCAT enheten 2018\)](#), 2018, p. 34.

²² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 10.

Currently, there are no national guidelines for video surveillance of cells.²³ According to SPPS, video surveillance is only used in cells where detainees can be placed in seclusion (solitary confinement), according to established practice.²⁴ In these cases the detainees must be informed about the use of video surveillance.²⁵

According to SPPS, video surveillance shall only be used as a complement in cases where SPPS needs to exercise supervision (i.e. risk of suicide or self-harming action).²⁶ If there is a risk of self-harming behavior, supervision can take place in two ways; either by constant supervision (staff being adjacent to the cell where the detainee is staying) or by patrolling the cell every 15 minutes.²⁷ According to SPPS, the use of video surveillance may be appropriate in cases where a decision on such 15-minute supervision has been taken.²⁸

The use of video surveillance has been addressed by the Parliamentary Ombudsman (*Justitieombudsmannen*) in a decision from 2012. The Ombudsman emphasised that the use of video surveillance in cells can be used when it is applied exceptionally and restrictively and after an assessment in each individual case.²⁹

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

Remand Prisons and Prisons

SPPS regulations and general advice about Remand Prisons and Prisons state that a detainee must maintain good order in their accommodation and contribute to maintaining good order in common areas. The meaning of “good order” is e.g. to clean the cell regularly and not to store food or anything else in a way that could cause sanitary inconvenience.³⁰

²³ However, the Prisons Act states that every detainee shall be treated with respect for his or her human dignity and with an understanding of the special difficulties associated with deprivation of liberty. Further, A control or coercive measure may only be used if it is reasonably proportionate to the objective of the measure. If a less intrusive measure is sufficient it shall be used; see; Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 1, section 4 and 6.

²⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

²⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 10.

²⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

²⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) [Report against the SPPS about camera surveillance in cells in the seclusion department \(Anmälan mot Kriminalvården om kameraövervakning i bostadsrum på avskildhetsavdelning\)](#), 3978-2010, 8 March 2012.

²⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

²⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) [Report against the SPPS about camera surveillance in cells in the seclusion department \(Anmälan mot Kriminalvården om kameraövervakning i bostadsrum på avskildhetsavdelning\)](#), 3978-2010, 8 March 2012.

³⁰ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 24. Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 23.

Clothing, beddings and towels shall be changed regularly based on general hygienic requirements. Such changes are not necessary if the detainee has the possibility to do the laundry by him/herself.³¹

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Remand Prisons

Swedish Remand Prisons are divided into association Remand Prisons, “regular” Remand Prisons, and high security Remand Prisons.³² Association Remand Prisons, only admit detainees without restrictions, who are allowed to associate with other detainees during the day.³³ Association Remand Prisons are usually located in buildings previously used as Prisons or are co-located with an existing Prison. Some of the high-security Remand Prisons admit both detainees with and without restrictions. The Remand Prisons which admit detainees with and without restrictions have association departments where detainees can freely associate with one another during the daytime. SPPS also has association places that are not located within an association department. These places can be used for placement of both detainees with or without restrictions.³⁴ However, in practice, the majority of detainees in Remand Prisons and high security Remand Prisons are isolated.³⁵

Prisons

Swedish Prisons are divided into three security classes. Security class one is the highest security class and refers to Prisons equipped to handle high-risk detainees. These are closed facilities. Security class two refers to facilities that also are closed but have a generally lower security level than the Prisons in security class one. Prisons within this category may have different degrees and forms of monitoring and control. The Prisons referred to as security class three do not have escape barriers and can be called open detention regimes. Semi-open Prisons do not exist.³⁶

Regarding cell equipment, hygiene conditions and video-surveillance the same regulations apply for persons being held in Remand Prison as for those in Prison. While there is a national standard for cell space available to detainees in Remand Prisons (in m²), there is no corresponding standard for Prisons.

³¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2011, chapter 1, section 14; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 14.

³² There are 5 high security Remand Prisons in Sweden.

³³ Sweden, Swedish Parliamentary Ombudsman (*Riksdagens ombudsman*) [Report from the OPCAT unit 2019 \(Rapport från OPCAT enheten 2019\)](#) 2019, p. 28.

³⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2021) [Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 18 to 29 January 2021](#), published 2021, p. 17.

³⁵ Sweden, Swedish Parliamentary Ombudsman (*Riksdagens ombudsman*) [Report from the OPCAT unit 2019 \(Rapport från OPCAT enheten 2019\)](#) 2019, p. 84.

³⁶ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Security classification \(Säkerhetsklassificering\)](#).

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

The Prisons Act (*Fängelselag*)³⁷ and the Remand Prisons Act³⁸ regulate detainees' right to appeal a decision. A decision from SPPS taken in accordance with the Prisons Act³⁹ or the Remand Prisons Act⁴⁰ may be appealed to an Administrative Court. A decision may not be appealed to an Administrative Court until the decision has been reviewed by SPPS. Such a review may be requested by the person who is affected by the decision if it has been decided against him or her. An appeal against a decision that has not been reviewed shall be considered to be a request for a review.⁴¹ A request for review shall be made in writing and be received by SPPS no later than three weeks from the date on which the appellant was informed of the decision. In the request for reconsideration the appellant shall state what decision the request refers to and what change in the decision he or she is requesting. SPPS shall examine whether the written request for review has been received within the time allowed. If the request has been received too late, it shall be rejected unless the delay is due to incorrect information on how to request a review given to the appellant by the SPPS.⁴²

In case of a breach or violation of a standard not regulated under the Prisons Act or the Remand Prisons Act, it might be possible for a detainee to appeal a decision by SPPS under the Administrative Procedure Act (*Förvaltningslag*).⁴³ Such decision may be appealed if the decision can be assumed to affect a person's situation in a not insignificant way.⁴⁴ However, a number of decisions may not normally be subject to court proceedings, as they are not issues regulated under the Prisons Act and Remand Prisons Act or considered to affect a detainee's situation in a not insignificant way under the Administrative Procedure Act.

In case of a breach or violation of a standard, the first step is to appeal the decision to one of the SPPS Regional Offices.⁴⁵ It is also possible for detainees to submit a complaint to the Parliamentary Ombudsman (*Justitieombudsmannen*)⁴⁶ or to the Office of the Chancellor of Justice (*Justitiekanslern*).⁴⁷

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

³⁷ Sweden, [Prisons Act \(*Fängelselag* \[2010:610\]\)](#), 10 June 2010, chapter 14.

³⁸ Sweden, [Remand Prisons Act \(*Häkteslag* \[2010:611\]\)](#), 10 June 2010, chapter 7.

³⁹ Sweden, [Prisons Act \(*Fängelselag* \[2010:610\]\)](#), 10 June 2010, chapter 14, section 1.

⁴⁰ Sweden, [Remand Prisons Act \(*Häkteslag* \[2010:611\]\)](#), 10 June 2010, chapter 7, section 3.

⁴¹ Sweden, [Prisons Act \(*Fängelselag* \[2010:610\]\)](#), 10 June 2010, chapter 14, section 2; Sweden, [Remand Prisons Act \(*Häkteslag* \[2010:611\]\)](#), 10 June 2010, chapter 7, section 4.

⁴² Sweden, [Prisons Act \(*Fängelselag* \[2010:610\]\)](#), 10 June 2010, chapter 14, section 3; Sweden, [Remand Prisons Act \(*Häkteslag* \[2010:611\]\)](#), 10 June 2010, chapter 7, section 5.

⁴³ Sweden, [Administrative Procedure Act \(*Förvaltningslag* \[2017:900\]\)](#), 28 September 2017.

⁴⁴ Sweden, [Administrative Procedure Act \(*Förvaltningslag* \[2017:900\]\)](#), 28 September 2017, section 41.

⁴⁵ Sweden, Prison and Probation Services (*Kriminalvården*), official website, [Appeals \(*Överklaga*\)](#).

⁴⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen JO*), [Official website](#).

⁴⁷ Sweden, The Office of the Chancellor of Justice (*Justitiekanslern JK*), [Official website](#).

Cells

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2018*, published 2018, available at:

https://www.jo.se/Global/Opcat_Report_2018_web.pdf

During an inspection of *Saltvik remand prison*, it emerged that five cells were fitted with bunk beds to enable double occupancy if necessary. Following the inspection, the Parliamentary Ombudsmen noted that the cells the remand prison uses for double occupancy were originally intended to accommodate one person, despite the cells reportedly being slightly larger than a normal cell. The use of double occupancy cells, in the Parliamentary Ombudsmen's view, creates a particular set of risks and the Parliamentary Ombudsmen is very doubtful of such use as an adequate solution. In addition, individuals in remand prisons are usually awaiting a forthcoming trial and not as yet sentenced for any crimes, and therefore can be under great psychological pressure. Likewise, the remand prison staff may have no prior knowledge of the individuals in custody, and as such lack the sufficient knowledge required to be able to determine which detainees are able to share a cell safely. Thus, double occupancy generally means an increased risk of threats and violence between detainees.

Recommendation: For these reasons, the Parliamentary Ombudsmen argues the Prison and Probation Service should refrain from using double occupancy cells in remand prisons. If the service still considers that there are grounds for double occupancy in remand prisons or for other special reasons, the service should handle these situations in a standardised manner with respect to the rule of law so as to protect the individual. In the opinion of the Parliamentary Ombudsmen, a minimum requirement should be that double occupancy occurs only in cells that are designed to accommodate more than one detainee. In addition, the Prison and Probation Service was recommended to develop regulations or written procedures governing this area of its operations. The service has subsequently developed such regulations.

National language: *Av dessa skäl ansåg JO att Kriminalvården bör avstå från att dubbelbelägga celler på det sätt som skett i häktet. Om myndigheten ändå anser att det, av utrymmesskäl eller någon annan särskild anledning, finns skäl för dubbelbeläggning i häkte bör myndigheten hantera dessa situationer på ett enhetligt och rättssäkert sätt till skydd för den enskilde. Ett minimikrav bör enligt JO vara att dubbelbeläggning endast sker i celler som är storleksmässigt anpassade för att hysa mer än en intagen. Vidare rekommenderades Kriminalvården att ta fram föreskrifter eller skriftliga rutiner som reglerar denna del av verksamheten. Myndigheten har därefter tagit fram sådana föreskrifter.*

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2019*, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf

During the winter of 2018/19, it was reported on several occasions in the media that the Prison and Probation Service had a shortage of, inter alia, places in remand prisons. Overcrowding in remand prisons meant that individuals held on remand had remained in

the Police Authority's police custody facilities. Similar information emerged during OPCAT inspections in the spring of 2019.

Recommendation: For these reasons, the Parliamentary Ombudsman decided to investigate the occupancy situation in the Prison and Probation Service within the framework of an own-initiative inquiry. In spring 2019, ten inspections were carried out of which eight were unannounced. In addition to the eight remand prisons, a prison and a police custody facility were also inspected. During the inspections, it emerged, inter alia, that due to overcrowding, the double occupancy of cells occurs and that rooms unintended for holding detainees are used for occupancy. This means that detainees are held in, inter alia, visitor rooms and rooms intended for isolation-breaking measures, and that these rooms, therefore, cannot be used for the purposes for which they are actually intended. Furthermore, it emerged that overcrowding caused difficulties for staff in satisfying detainees' right to daily outdoor access and the need for isolation-breaking measures. Two of the inspected remand prisons had, on several occasions during the year, stopped receiving remand prisoners. One consequence of this was that individuals held on remand had remained in the Police Authority's police custody facilities. At the time of compiling this report, the Parliamentary Ombudsman had not yet made a decision in the case.

National language: Av dessa skäl beslutade JO att inom ramen för ett särskilt initiativvärende utreda beläggningssituationen inom Kriminalvården. Under våren 2019 genomfördes tio inspektioner och av dessa var åtta oanmälda. Förutom åtta häkten inspekterades även en kriminalvårdsanstalt och en polisarrest. Vid inspektionerna kom det fram bl.a. att det vid överbeläggning förekommer dubbelbeläggningar av celler och att rum som inte är avsedda för placering av intagna används för beläggning. Det innebär att intagna placeras i bl.a. besöksrum och rum avsedda för isoleringsbrytande åtgärder, och att dessa därmed inte kan användas för det ändamål de egentligen är avsedda för. Vidare kom det fram att överbeläggningar medfört svårigheter för personalen att tillgodose de intagnas rätt till daglig utomhusvistelse och behov av isoleringsbrytande åtgärder. Två av de inspekterade häktena hade vid era tillfällen under året stängt för intag av häktade. En konsekvens av detta var att häktade hade blivit kvar i Polismyndighetens arrester. Vid sammanställningen av den här rapporten hade JO ännu inte fattat beslut i ärendet.

In addition, the Parliamentary Ombudsman published a thematic report in 2020 entitled *Situation for people deprived of their liberty during the Covid-19 pandemic*.

Report from the National Preventive Mechanism – NPM, thematic report from the OPCAT unit 2020, Situation for people deprived of their liberty during the Covid-19 pandemic, published 2020, available at: [https://www.jo.se/Global/NPM-protokoll/Opcat thematic report Situation%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic webb.pdf](https://www.jo.se/Global/NPM-protokoll/Opcat%20thematic%20report%20Situation%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic%20webb.pdf)

Recommendation: Parliamentary Ombudsman Katarina Pahlsson stated that she had difficulty seeing how inmates who double occupy a normal-sized cell should be able to maintain the necessary physical distance. Referring to the fact that infected people may only have vague or atypical symptoms, the Parliamentary Ombudsman stated that it was not sufficient for the Prison and Probation Service to intervene and remove a person from a double-occupied cell when an inmate shows clear symptoms of infection. She further emphasised that situations can also arise when an inmate begins to show symptoms after

being locked up for the night and that the fellow inmate, therefore, risks having to spend a long time with an inmate who may well be infected with Covid-19.

National Language: JO Katarina Pålsson uttalade att hon hade svårt att se hur intagna som befinner sig i en dubbelbelagd normalstor cell ska kunna hålla nödvändig fysisk distans. Med hänvisning till att smittade personer kan ha bara vaga eller atypiska symptom, uttalade JO att det inte var tillräckligt att Kriminalvården avbryter en dubbelbeläggning när en intagen uppvisar tydliga symptom på smitta. Hon framhöll vidare att det även kan uppstå situationer när en intagen börjar uppvisa symptom efter inläsning för dygnsvila och att den medintagne därmed riskerar att få tillbringa en längre tid tillsammans med en intagen som mycket väl kan vara smittad av covid-19.

Recommendation: *In the view of Parliamentary Ombudsman Katarina Pålsson, there was reason to question whether the double occupancy of cells during the current conditions are compatible with the European Prison Rules. The double occupancy of cells exposes inmates to unnecessary risks and is not compatible with the requirement for physical distancing. The Parliamentary Ombudsman further doubted whether the double occupancy of cells is compatible with the requirement that inmates be treated with respect for their human dignity and with an understanding of the special difficulties associated with deprivation of liberty.⁴⁸ In the view of the Parliamentary Ombudsman, the Prison and Probation Service should immediately take measures to ensure there is no double occupancy of cells where it is not possible for inmates to keep the necessary physical distance. In the view of the Parliamentary Ombudsman, a newly admitted person should not be placed directly into a cell together with another inmate.*

National Language: Enligt JO Katarina Pålsson fanns det skäl att ifrågasätta om en dubbelbeläggning av celler under rådande förhållanden är förenlig med Europeiska fängelsereglerna. Dubbelbeläggnings utsätter intagna för onödiga risker och det är inte förenligt med kravet på fysisk distansering. JO ställde sig vidare tveksam till att dubbelbeläggning är förenligt med kravet på att intagna ska bemötas med respekt för sitt människovärde och med förståelse för de särskilda svårigheter som är förenade med frihetsberövandet.⁴⁹ Enligt JO borde Kriminalvården omedelbart vidta åtgärder för att se till att det inte förekommer dubbelbeläggning av celler där det inte är möjligt att hålla nödvändig fysisk distans. Det borde enligt JO inte heller förekomma att en nyintagen person direkt placeras i en cell tillsammans med en annan intagen.

Cell equipment, furniture and facilities

Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2018, published 2018, available at:

https://www.jo.se/Global/Opcat_Report_2018_web.pdf

Upon inspection of *Saltvik prison*, the Parliamentary Ombudsmen found that the external blinds of the rooms used for seclusion greatly restricted both the inflow of natural light into the room and the ability of the detainees to look out of the window. The Parliamentary Ombudsmen stated that such measures – taken to restrict the ability to see into and from

⁴⁸ Original Footnote: Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 1, section 4; Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 1, section 4.

⁴⁹ Original Footnote: Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 1, section 4; Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 1, section 4.

other departments – must not impose greater restrictions than are necessary for the detainees and that such restrictions may particularly affect detainees placed in seclusion.

Recommendation: For this reason, the Prison and Probation Service was requested to review the design of the blinds to ensure the rights of detainees to view their surroundings and guarantee an acceptable inflow of natural light.

National language: *Av den anledningen uppmanades Kriminalvården att se över persiennernas konstruktion för att hitta en lösning som säkerställer de intagnas rätt att betrakta sin omgivning och garantera ett godtagbart ljusinsläpp.*

Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf

An inspection of *the prison in Haparanda* revealed that the prison's medical room and sobering up cell were used to hold detainees in segregation. The latter cell is normally equipped with only a mattress on the floor. The cell lacks electrical outlets that make it possible to supply it with, for example, a reading lamp, radio and television. One detainee had been held in the cell for almost three weeks.

Recommendation: Following the inspection, the Chief Parliamentary Ombudsman stated that there were no safety reasons that justified the cell's equipment being so limited. In the view of the Chief Parliamentary Ombudsman, it was unacceptable for a detainee to be held for such a long time in a cell the prison describes as "poor". The Chief Parliamentary Ombudsman called on the Prison and Probation Service to stop using the sobering up cell for segregation other than for very short periods.

National language: *Efter inspektionen konstaterade chefsJO att det inte fanns några säkerhetsskäl som motiverade att cellens utrustning begränsades. Enligt chefsJO var det oacceptabelt att en intagen under så lång tid är placerad i en cell som anstalten beskriver som "torftig". ChefsJO uppmanade Kriminalvården att upphöra med att använda tillnyktringscellen för avskildhetsplacering annat än mycket kortvarigt.*

During the inspection of *the prison Västervik Norra*, it was noted that some of its segregation cells are equipped with high-positioned, so-called basement windows. As a result, a detainee is not able to look out the window and, in addition, the windows lacked the equipment that would make it possible to regulate natural light into the cell. One detainee had been held in such a cell for several weeks.

Recommendation: The Chief Parliamentary Ombudsman stated that the cells are not adequate for long periods of segregation. The Prison and Probation Service, therefore, needs to take measures to prevent such situations from occurring in the future.

National language: *ChefsJO konstaterade att cellerna inte är lämpade för längre tider av avskildhetsplacering. Kriminalvården behöver därför vidta åtgärder för att förhindra att sådana situationer uppstår i fortsättningen.*

During the inspection of *the remand prison in Trelleborg*, it emerged that a detainee had taken his life by, inter alia, using a cord to a game console. After the suicide, the remand prison provided cordless games. The inspection revealed that the televisions used in some rooms had normal-length cables.

Recommendation: *The Chief Parliamentary Ombudsman emphasised that it is important that the Prison and Probation Service ensures that the experiences from the remand prison in Trelleborg are also used within the entire agency in its work in preventing suicide. It is, of course, important that detainees have access to television. The Chief Parliamentary Ombudsman reiterated that the remand prison, however, should always consider what measures can be taken to reduce the risk of suicide when loose items are placed in a cell.*

National language: *ChefsJO framhöll att det är viktigt att Kriminalvården säkerställer att erfarenheterna från häktet Trelleborg också används inom hela myndigheten i arbetet med att förebygga självmord. Det är givetvis viktigt att de intagna har tillgång till tv. ChefsJO påminde dock häktet om att det alltid bör övervägas vilka åtgärder som kan behöva vidtas för att minska risken för självmord när lös utrustning placeras i en cell.*

Video surveillance

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2018, published 2018, available at:*

https://www.io.se/Global/Opcat_Report_2018_web.pdf

During the inspections in 2018, it was noted that remand prisons have video surveillance of cells where detainees can be placed in seclusion. The surveillance cameras were on continuously and the images were recorded. This means even detainees, whom the Prison and Probation Service had not made a specific decision to monitor via camera, were also under camera surveillance.

Recommendation: *After the inspection of the Örebro remand prison, the Parliamentary Ombudsmen stated that it is important that there is clarity and predictability concerning the use of camera surveillance. It is unacceptable if the staff mislead detainees regarding the use of camera surveillance or do not disclose such monitoring in accordance with the Camera Surveillance Act (2018:1200). The Parliamentary Ombudsmen recommended the Prison and Probation Service ensure that a technical solution is introduced that allows the camera to be turned off when such a surveillance measure is not deemed necessary.*

National Language: *Efter inspektionen av häktet Örebro uttalade JO att det är viktigt att det finns en tydlighet och förutsebarhet när kameraövervakning används. Det är oacceptabelt om personalen vilseleder de intagna i fråga om kameraanvändning eller inte upplyser om sådan övervakning i enlighet med kamerabevakningslagen (2018:1200). JO rekommenderade Kriminalvården att se till att det införs en teknisk lösning som gör att kameran kan stängas av när en sådan övervakningsåtgärd inte bedöms nödvändig.*

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2019*, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf

During the inspection of *the remand prison in Gävle*, the Parliamentary Ombudsmen’s employees noticed that a camera in the prison’s segregation cell was constantly switched on.

Recommendation: Following the inspection, the Chief Parliamentary Ombudsman stated that the Prison and Probation Service, in December 2017, was called upon to install technology that makes it possible to turn off the camera in the cell when such monitoring is deemed unnecessary. For this reason, the Chief Parliamentary Ombudsman noted with some surprise that there had been no change in this regard. The Chief Parliamentary Ombudsman requested the Prison and Probation Service respond detailing the measures it will take to rectify this shortcoming. The agency was also asked to make an inventory of which prisons and remand prisons have camera-monitored cells and whether these cameras can be switched off.

National Language: Efter inspektionen uttalade chefsJO att Kriminalvården redan i december 2017 hade uppmanats att installera en teknik som gör det möjligt att stänga av kameran i cellen när en sådan övervakningsåtgärd inte bedöms nödvändig. Av den anledningen noterade chefsJO med viss förvåning att det inte hade skett någon förändring i denna del. ChefsJO uppmanade Kriminalvården att återrapportera vilka åtgärder myndigheten kommer att vidta för att komma till rätta med bristen. Myndigheten ombads även att göra en inventering av vilka anstalter och häkten som har kamerabevakade celler och om dessa kameror går att stänga av.

In a response to the Parliamentary Ombudsman, the agency announced that *the remand prison in Gävle* had introduced a routine which means that the camera is provided with a “hat” when no decision had been made to use camera surveillance. The staff who make decisions concerning camera surveillance had been informed of the importance of documenting whether a detainee should be held under camera surveillance or not. Written instructions were also being prepared. In a decision, the Chief Parliamentary Ombudsman stated that the measures that the Prison and Probation Service had taken appeared to be adequate. The Chief Parliamentary Ombudsman also welcomed the fact that the Prison and Probation Service’s inventory shows that it is possible to turn on the surveillance cameras in situations where no decision has been made to use such a measure.

2. Sanitary conditions

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Remand Prisons and Prisons

According to the SPPS website, there are toilets in most cells in Prisons and Remand Prisons.⁵⁰ However, there are some institutions where the restrooms are located adjacent to the cells. According to SPPS, toilets in Prisons and Remand Prisons offer privacy to detainees. In situations of double occupancy of cells where the toilets are located in the

⁵⁰ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [123 Questions \(123 Frågor\)](#).

cell, the toilet has some sort of "separator" (i.e. curtains or door) in order to ensure privacy.⁵¹

Remand Prisons

The Ordinance on the Design of Remand Prisons and Police Cells states that the toilets should be "in connection to" the cell (according to SPPS, the phrase "in connection to" (*anslutning till*) has never been defined in relation to toilets).⁵² The cell must have a signaling device that allows the detainees to get in touch with staff.⁵³

Prisons

There are no corresponding standards on the location of the toilets in Prisons. However, SPPS states that all toilets in both Prisons and Remand Prisons are "in connection to" the cells.

In an institution where the detainees are locked in their cells overnight, the cell must have a signaling device for communication with the staff.⁵⁴

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Remand Prisons and Prisons

Recommendations for Prisons state that a detainee must be given the opportunity to take care of their personal hygiene on a daily basis.⁵⁵ The corresponding recommendations are also available for detainees held in Remand Prisons.⁵⁶

A detainee shall have access to clothes, shoes, beddings, towels and basic articles for personal hygiene. Basic articles for personal hygiene primarily refer to toothbrush, toothpaste, soap, shampoo, comb or brush, deodorant, shaving articles and sanitary articles for menstruation. Such articles should be provided for normal consumption. However, the equipment may be restricted if it is necessary to prevent the detainee from seriously injuring him/herself.⁵⁷

⁵¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

⁵² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

⁵³ Sweden, [Ordinance on the design of Remand Prisons and police cells \(*Förordning \(2014:1108\) om utformningen av häkten och polisarrester*\)](#), 11 September 2014, section 3. The requirement of a signaling device is also regulated in SPPS regulations and general advice about Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 1, section 18.

⁵⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2011, chapter 1, section 18.

⁵⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2011, chapter 1, section 15.

⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]*\)](#), section 15, 10 January 2011.

⁵⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2011, chapter 1, section 13. Corresponding recommendations are also available for detainees in Remand Prisons; Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 13.

There are no regulations regarding how often a detainee is allowed to shower, neither if there is any possibility to shower in private. According to SPPS, showers in Prisons and Remand Prisons offer privacy to detainees.⁵⁸

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

Remand Prisons and Prisons

There are no national standards regarding cleaning and cleanliness of sanitary facilities (toilets). According to SPPS, the cleaning has to meet a common standard in terms of sanitation. The cleaning of toilets and showers is either conducted by a detainee as part of his/her assignment or conducted by an external actor (purchased service).⁵⁹

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

See chapter 1e) above with regard to the different detention regimes.

For Remand Prisons, the national standards states that the toilets should be “in connection to” the cell (see above). There are no corresponding standards for Prisons, but as stated in chapter 2a above, all toilets in both Prisons and Remand Prisons are “in connection to” the cells.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

See chapter 1f) above.

f) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf*

During the inspection of *the prison Västervik Norra*, shortcomings in the physical environment such as worn premises, that all cells lacked toilets and that some of the cells lacked sinks were noted. During the inspection, the planning for an extensive renovation of the prison was in progress. In connection with this, the cells will be equipped, inter alia, with toilets. However, it will take several years before the work is completed. Until the renovation is completed, the detainees will be dependent on staff unlocking the cell door for toilet visits at night. In conversations that the Parliamentary Ombudsmen’s employees

⁵⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

⁵⁹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

had with detainees, it emerged that they fulfilled their needs in assigned “urinal bottle” and in waste bins.

Recommendation: Following the inspection, the Parliamentary Ombudsmen stated that the distribution of such urinal bottles sends a signal to the detainees that they must first and foremost fulfil their needs in the cell, and that it can be questioned whether this is compatible with the Prisons Act’s provision that each detainee must be treated with respect for human dignity. Pending the work of improving the physical environment in the prison, in the view of the Parliamentary Ombudsmen, the Prison and Probation Service should take the necessary measures to ensure that detainees have access to a toilet after being locked up for the night. One measure could be to increase staffing at night.

National language: Efter inspektionen uttalade JO att utdelning av kissankor skickar en signal till de intagna om att de i först⁶⁰ hand ska utträta sina behov i cellen och att det kan ifrågasättas om detta är förenligt med fängelselagens bestämmelse om att varje intagne⁶¹ ska bemötas med respekt för sitt människovärde. I avvaktan på arbetet med att förbättra den fysiska miljön i anstalten bör Kriminalvården, enligt JO, vidta nödvändiga åtgärder för att de intagna efter inlåsning för dygnsvila ska få tillgång till toalett. En åtgärd kan vara att utöka bemanningen nattetid.

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- a. Outdoors (within the boundary of the prison)?
 - b. Indoors in the common area?

Remand Prisons:

a) Outdoors

According to the Remand Prisons Act, a detainee shall be given the opportunity to be outdoors at least an hour every day unless there are special reasons not to.⁶² Special reasons can e.g. be found in the event of an unforeseen situation which, for security reasons, makes it necessary to keep detainees, who would otherwise have stayed together, separated from each other and as a result there are no practical conditions for letting the detainees stay outdoors.⁶³

b) Indoors in the common area

A detainee shall be given the opportunity during the day of being together with other detainees (association) unless:

- (1) the detainee has been placed in a place of confinement other than a Remand Prison where the local conditions do not permit association;
 - (2) it is necessary for security reasons to hold the detainee separate from other detainees;
- or
- (3) separation is necessary to carry out a body inspection.⁶⁴

⁶⁰ sic.

⁶¹ sic.

⁶² Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 7.

⁶³ Sweden, Prison and Probation Services (Kriminalvården), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), chapter 2, outdoor stay (Vistelse utomhus), general recommendation on chapter 2, section 7 Remand Prisons Act, 10 January 2011.

⁶⁴ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 5.

The Remand Prisons Act regulates the possibilities SPPS has to limit the detainees' contact with the surrounding world. A detainee who is held in Remand Prison may be subjected to restrictions regarding his or her right to stay in contact with the outside world, if there is a risk that he or she may remove evidence or otherwise complicate the ongoing investigation.⁶⁵ In the case of a person who is in detention, restrictions of this kind may only be imposed if he or she is subject to restrictions in accordance with Chapter 24, Section 5a of the Code of Judicial Procedure (*Rättegångsbalk*).⁶⁶ Such decisions imposing restrictions may relate to, for instance, restrictions in the right to be placed in together with other detainees and to associate with other detainees in accordance with chapter 2 section 5 of the Remand Prisons Act.⁶⁷

In July 2021, the Code of Judicial Procedure,⁶⁸ was amended with regard to restrictions for detainees in Remand Prisons. The new provision stipulates a new arrangement where the court, at the request of the prosecutor, must decide on the specific types of restrictions that the prosecutor must be able to use in each individual case. Thus, the main rule is that the court decides what kind of restrictions the prosecutor may issue. It can e.g. refer to restrictions on the right to be placed with other detainees, or associate with other detainees.

The main rule under the previous legislation was that a prosecutor must have a general permit from the court to be able to issue restrictions. If the court issued such a permit, the prosecutor could then decide which individual restrictions should actually be issued, and which reliefs or exceptions can be granted. The new provisions mean that the court will no longer consider whether a general permit for restrictions should be issued.

In July 2021, the Remand Prisons Act was amended to include special provisions for the right of young detainees to associate. A detainee held in a Remand Prison who is under 18 years old has the right to associate with staff or someone else at least four hours every day.⁶⁹

Prisons:

a) Outdoors

According to the Prisons Act, detainees shall be given the opportunity to spend at least one hour each day outdoors unless there are exceptional reasons for not providing this opportunity.⁷⁰ Exceptional reasons can be found in, for example, the event of an unforeseen situation which makes

⁶⁵ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 6, section 1.

⁶⁶ Sweden, [Code of Judicial Procedure \(Rättegångsbalk \[1942:740\]\)](#), 1 January 1999, chapter 24, section 5a.

⁶⁷ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 6, section 2.

⁶⁸ Sweden, [Code of Judicial Procedure \(Rättegångsbalk \[1942:740\]\)](#), 1 January 1999, chapter 24, section 5a.

Please note that the new provisions entered into force on 1 July 2021.

⁶⁹ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 5a. Please note that the new provisions entered into force on 1 July 2021.

⁷⁰ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 4, section 1.

it necessary to keep detainees separated from each other in accordance with the Prisons Act⁷¹ and as a result there are no practical conditions for letting the detainees stay outdoors.⁷²

b) Indoors in the common area

The Prisons Act states that during the time a detainee is required to perform or participate in an occupation, he or she shall stay together with other detainees unless otherwise is stated in the Prisons Act or due to the particular nature of the occupation.⁷³ A detainee shall be given the opportunity to access common areas during his or her spare time, unless otherwise stated in the Prisons Act.⁷⁴ The detainees may be kept separated from each other during the nightly rest.⁷⁵

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

Remand Prisons

A detainee shall, in some suitable way, be given the opportunity for recreation, following events in the outside world and practice his or her religion.⁷⁶ According to SPPS regulations and general advice about Remand Prisons, a detainee should be given the opportunity to access a varied range of literature and public information, unless restrictions prevent it.⁷⁷ At most Remand Prisons the detainee can play table tennis and exercise.⁷⁸

Prisons

The Prisons Act stipulates that a detainee should be given the opportunity to appropriately engage in physical activity or other recreational activity⁷⁹ and take part in occupation in the form of work, education, training, programmes related to crime and substance abuse or some other structured occupational activity.⁸⁰ A detainee should also be given the opportunity of following, in some suitable way, events in the outside world as well as practicing his or her religion.⁸¹

SPPS regulations and general advice about Prisons⁸² recommend that the leisure time occupations that the detainees shall have the opportunity to engage in should be varied.

⁷¹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 5.

⁷² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), chapter 4, Leisure (*Fritid*), general recommendation on chapter 4, section 1 Prisons Act, 10 January 2010.

⁷³ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 1.

⁷⁴ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 2.

⁷⁵ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 3.

⁷⁶ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 8-10.

⁷⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 2, section 10.

⁷⁸ Sweden, Swedish Prison and Probation Service (SPPS) (*Kriminalvården*) [Official website](#).

⁷⁹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 4, section 2.

⁸⁰ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 3, section 1.

⁸¹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 4, section 3-4.

⁸² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), January 2010, chapter 4, section 1.

SPPS regulations and general advice about Prisons⁸³ points out that access to leisure time occupations, provision of mass media and possibilities to exercise one's religion or hold meetings may be restricted for reasons of order and safety and as a result of practical conditions in the area of SPPS, for example institutional routines and resources.

The general advice states that a detainee should be given the opportunity of a leisure time occupation based on the personal needs identified in the sentence plan. Detainees should be given the opportunity to borrow simple equipment for leisure time occupations such as CD players and headphones, musical instruments and board games. A prerequisite for lending of such equipment is that the detainee has not previously damaged property lent to him or her and is not expected to do so.⁸⁴

What detainees in Prison can do in their free time depends a lot on which facility they are located in. The older facilities provide fewer opportunities than the new ones. However, most prison facilities offer pool tables, table tennis and darts in the common areas. There are usually facilities available for sports and many facilities have areas for ball games, indoors and/or outdoors.⁸⁵

Many prisons have libraries, where the detainees can borrow books that belong to the municipality library. Sometimes the prisons show movies on a screen or the prison's television system. There are often courses available in e.g. cooking or learning an instrument. Visits from family and friends are also considered as leisure time.⁸⁶

c) Is there a national standard for time spent in cells? If so, what does it require?

Remand Prisons

In addition to the standards outlined in section 3a, (the right to be outdoor at least 1 hour a day, the opportunity during the day to associate and the right for young persons to associate at least 4 hours a day), no other standards for time spent in cells are available.

Prisons

In a Prison of security class 1 and 2, it is allowed to keep the detainees locked in their cells in connection with the nightly rest between 7 p.m. and 8 a.m. In addition to the time of locking and unlocking a ward, a detainee may not be locked up longer than twelve hours per day according to this provision. Locking may commence 15 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 15 minutes after the set time of unlocking at the ward.⁸⁷

⁸³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 4, general recommendations.

⁸⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 4, general recommendations to section 1.

⁸⁵ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Leisure time \(Fritid\)](#).

⁸⁶ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Leisure time \(Fritid\)](#).

⁸⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 6, section 1.

In a Prison of security class 3, the detainees may be locked into their wards in connection to their nightly rest period between 9 p.m. and 8 a.m. In addition to the time of locking and unlocking the ward a detainee may not be locked up longer than ten hours per day according to this provision. Locking may commence 30 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 30 minutes after the set time of unlocking at the ward.⁸⁸

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

Remand Prisons

As stated in section 3b above, a detainee shall, in some suitable way, be given the opportunity for recreation.⁸⁹ At most Remand Prisons the detainee can play table tennis and exercise.⁹⁰

Prisons

As stated in section 3b, a detainee should be given the opportunity to appropriately engage in physical activity or other recreational activity⁹¹ and take part in occupation in the form of work, education, training, programmes related to crime and misuse or some other structured occupational activity.⁹² A detainee should also be given the opportunity of following, in some suitable way, events in the outside world as well as practicing his or her religion.⁹³

What detainees in Prison can do in their free time depends a lot on which facility they are located in. The older facilities provides less opportunities than the new ones. However, most prison facilities offer pool tables, table tennis and darts in the common areas. There are usually facilities available for sports and many prison facilities have areas for ball games, indoors and/or outdoors.⁹⁴

Many prison facilities, have libraries, where the detainees can lend books that belong to the municipality library. Sometimes the prisons show movies on a screen or at the prison's television-system. There are often courses available in e.g. cooking or learning an instrument. Visits from family and friends are also considered as leisure time.⁹⁵

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

See chapter 1e) above with regard to the different detention regimes.

Regarding the time per day spent out of doors, the same standards apply to Prisons and Remand Prisons.

⁸⁸ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 6, section 2.

⁸⁹ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 8-10.

⁹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), [Official website](#).

⁹¹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 4, section 2.

⁹² Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 3, section 1.

⁹³ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 4, section 3-4.

⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Leisure time \(Fritid\)](#).

⁹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Leisure time \(Fritid\)](#).

However, the standards for association with other detainees differ between Prisons and Remand Prisons given that Remand Prison detainees are, as a starting point, placed in their own cells. In addition, detainees in Remand Prisons are subjected to restrictions to a larger extent than detainees in Prisons. Thus, although detainees in Remand Prisons and Prisons have the same basic rights to associate with other detainees, there is a very significant difference between these two regimes.

As stated above, in a Prison of security class 1 and 2, it is admitted to keep the detainees locked in their cells in connection with the nightly rest between 7 p.m. and 8 a.m. In addition to the time of locking and unlocking a ward, a detainee may not be locked up longer than twelve hours per day according to this provision. Locking may commence 15 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 15 minutes after the set time of unlocking at the ward.⁹⁶

In a Prison of security class 3, the detainees may be locked into their wards in connection to their nightly rest period between 9 p.m. and 8 a.m. In addition to the time of locking and unlocking the ward a detainee may not be locked up longer than ten hours per day according to this provision. Locking may commence 30 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 30 minutes after the set time of unlocking at the ward.⁹⁷

Corresponding provisions are lacking in the regulations governing Remand Prisons.

Further, the standards for Remand Prisons regarding recreational or educational activities for detainees in Remand Prisons are not as detailed as for detainees in Prisons.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

See chapter 1f) above.

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

⁹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 6, section 1.

⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 6, section 2.

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2018, published 2018, available at:*
https://www.jo.se/Global/Opcat_Report_2018_web.pdf

Following the inspection of *Hinseberg prison*, the inspection found that the department Aspen, which has two places, is included in the 93 places that the facility can use for the placement of detainees. Even if the places in Aspen are primarily used for seclusion (solitary confinement), the organisation, as such, means that even detainees who are not placed in seclusion may be placed in the department.

Recommendation: In the view of the Parliamentary Ombudsmen, a department in a prison should consist of at least three places which allow for association of detainees. The Aspen department consists of two places with an adjoining and window-less corridor as the department's only communal space. In the view of the Parliamentary Ombudsmen, this cannot be regarded as a functional space suitable for satisfying detainees' rights to association. Aspen cannot therefore be considered as a department in itself and should, according to the Parliamentary Ombudsmen, not be used for the placement of detainees other than those who are secluded.

National language: Enligt JO bör en avdelning i en Kriminalvårdsanstalt bestå av åtminstone tre celler/platser för att möjliggöra vistelse i gemensamhet. Avdelningen Aspen består av två celler/platser och en angränsande och fönsterlös korridor utgör avdelningens enda gemensamhetsutrymme. Enligt JO kan detta inte anses utgöra ett funktionellt utrymme som är lämpligt för intagnas vistelse i gemensamhet. Aspen kan därför inte anses utgöra en avdelning och bör enligt JO inte användas för placering av andra intagna än de som är avskilda.

Two Opcat inspections of *Ystad remand prison* have been conducted (September 2014 and February 2017), and on both occasions the Parliamentary Ombudsmen presented their views regarding a specific space with two cells separate from the rest of the remand prison (KV department). In a decision, the Parliamentary Ombudsmen stated that *Ystad remand prison* is a remand prison with free association and that this term presupposes that detainees are able to associate with others.

Recommendation: This means, for example, double occupancy of a cell cannot be equated with exercising the right to association. Furthermore, the Parliamentary Ombudsmen stated that a department must consist of at least three cells in order to be able to meet the basic requirements of the legislation concerning the right to association during the daytime. The SPPS department does not meet this basic requirement and therefore the term "department," in the view of the Parliamentary Ombudsmen, should not be used to describe this part of Ystad remand prison.

The Parliamentary Ombudsmen further stated that it is concerning that SPPS establishes places that, in its own words, are some form of "halfway station" between seclusion and regular association. There may be a need to establish departments that can meet the needs of detainees who require placement in smaller group of detainees. However, in the Parliamentary Ombudsmen's view, such departments must be designed in such a way that they do not limit the detainees' right to association during the daytime. This is necessary to counteract operating in a grey zone between seclusion and regular association. In the Parliamentary Ombudsmen's view, the places in the SPPS department should only be used in exceptional cases and furthermore, the remand prison should, in consultation with the head office of the Prison and Probation Service, consider whether these places should in the future be used for the placement of detainees at all.

National language: *Det innebär att exempelvis samsittning (två intagna vistas tillsammans) inte går att jämställa med vistelse i gemensamhet. Vidare framhöll JO att en avdelning måste bestå av åtminstone tre celler för att lagstiftningens grundläggande krav om intagnas rätt till vistelse i gemensamhet under dagtid ska kunna tillgodoses. KV-avdelningen uppfyller inte detta grundläggande krav och därför bör begreppet "avdelningen" enligt JO inte användas för att beskriva denna del av häktet Ystad.*

JO uttalade vidare att det är bekymmersamt att Kriminalvården inrättar platser som med myndighetens egna ord befinner sig i någon form av "mellanläge" mellan avskildhet och gemensamhet. Det kan finnas ett behov av att inrätta avdelningar som kan tillgodose intagnas behov av att vistas i en mindre grupp av intagna. Dock måste sådana avdelningar enligt JO utformas på ett sätt att de inte begränsar de intagnas rätt till vistelse i gemensamhet under dagtid. Detta är nödvändigt för att motverka att verksamheten bedrivs i en gråzon mellan avskildhet och gemensamhet. Enligt JO bör platserna på KV-avdelningen bara användas i undantagsfall och vidare bör häktet, i samråd med Kriminalvårdens huvudkontor, överväga om dessa platser i framtiden över huvud taget ska användas för placering av intagna.

Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf

Conditions in an association remand prison

The remand prison branch Berga of Helsingborg remand prison was established in premises that were previously used as a prison. This means that detainees are given the opportunity to associate with other detainees for a large part of the day. During the inspection, it emerged that the detainees were not given the opportunity to associate outdoors in the former prison area and that they were not allowed to use the sports hall. Instead, the individuals held on remand were directed to use small exercise yards and small exercise rooms.

Recommendation: Following the inspection, the Chief Parliamentary Ombudsman stated that the remand prison branch is a positive example of how the Prison and Probation Service can organise its operations to give remand prisoners the opportunity to associate with each other. By establishing the association remand prison in premises that were previously used as a prison, remand prisoners without restrictions are given significantly better conditions for associating with others compared with if they were held in an association place. A detainee in the remand prison branch has the opportunity to associate with others for seven hours a day on weekdays. The experiences from the remand prison branch and other association remand prisons (for example, the remand prisons Salberga, Storboda and Ystad) show, in the Chief Parliamentary Ombudsman's view, the need for remand prisons that receive individuals on remand without restrictions to have premises intended for association amongst the remand prisoners. At the same time, the Chief Parliamentary Ombudsman stated that if the detainees in the Berga remand prison branch were given the opportunity to use, for example, the sports hall, it could further contribute to counteracting the negative consequences of deprivation of liberty. For this reason, the Chief Parliamentary Ombudsman recommended the Prison and Probation Service examine what opportunities exist and what

measures need to be taken to ensure individuals deprived of their liberty can also use these premises and areas.

National language: *Efter inspektionen konstaterade chefsJO att häktesfilialen utgör ett positivt exempel på hur Kriminalvården kan organisera verksamheten för att ge häktade möjlighet att vistas i gemensamhet. Genom att inrätta gemensamhetshäkten i lokaler som tidigare har använts som anstalter ges häktade utan restriktioner betydligt bättre förutsättningar att vistas i gemensamhet, jämfört med om de är placerade på en gemensamhetsplats. En intagen i häktesfilialen har under vardagar möjlighet till gemensamhetsvistelse i sju timmar per dag. Erfarenheterna från häktesfilialen och andra gemensamhetshäkten (exempelvis häktena Salberga, Storboda och Ystad) visar, enligt chefsJO, behovet av att häkten som tar emot häktade utan restriktioner har lokaler avsedda för gemensamhetsvistelse. Samtidigt konstaterade chefsJO att om de intagna i häktesfilialen Berga fick möjlighet att använda bl.a. bollhallen skulle det ytterligare kunna bidra till att motverka de negativa följderna av frihetsberövandet. Av den anledningen rekommenderade chefsJO Kriminalvården att undersöka vilka möjligheter som finns och vilka åtgärder som behöver vidtas för att de häktade ska kunna använda även dessa lokaler och ytor.*

One of the Berga remand prison branch's departments (Department 1: 5) lacks common areas, and for this reason the detainees were directed to associate with each other in the department's corridor. Up to seven detainees could associate in this limited space at one time and it was only equipped with a dining area designed for two people.

Recommendation: *Following the inspection, the Chief Parliamentary Ombudsman stated that it could be strongly questioned whether the corridor could be described as a department. Furthermore, it could be questioned whether the way in which the space was used was compatible with the basic provision that each detainee must be treated with respect for their human dignity and with an understanding of the special difficulties associated with deprivation of liberty. For this reason, the Prison and Probation Service should consider whether the premises should be used as a department and, therefore, constitute permanent places in the remand prison branch's operations. Finally, the Chief Parliamentary Ombudsman stated that if the Prison and Probation Service still intended to use the cells as permanent remand prison places, it must immediately review the detainees' opportunities to associate with each other. In the view of the Chief Parliamentary Ombudsman, it is inadequate to direct the detainees to associate with one another in the corridor, and it is remarkable that the Prison and Probation Service expects detainees to eat their meals in this very limited space. For this reason, the agency must take the necessary measures to enable the individuals deprived of their liberty in Department 1:5 to be able to associate with each other on the same terms as detainees in the other units of the remand prison branch.*

National language: *Efter inspektionen uttalade chefsJO att det kunde starkt ifrågasättas att korridoren beskrivs som en avdelning. Vidare kunde det ifrågasättas om det sätt som utrymmet användes på var förenligt med den grundläggande bestämmelsen om att varje intagen ska bemötas med respekt för sitt människovärde och med förståelse för de särskilda svårigheter som är förenade med frihetsberövandet. Av den anledningen borde Kriminalvården överväga om utrymmena ska användas som en avdelning och därmed utgöra ordinarie platser i häktesfilialens verksamhet. Slutligen uttalade chefsJO att om Kriminalvården ändå avsåg använda cellerna som ordinarie platser, måste myndigheten omedelbart se över de intagnas möjlighet till vistelse i gemensamhet. Enligt chefsJO är det ovärdigt att hänvisa de intagna till gemensamhetsvistelse i korridoren, och det*

är anmärkningsvärt att Kriminalvården förväntar sig att de intagna ska äta sina måltider i detta mycket begränsade utrymme. Av den anledningen måste myndigheten vidta de åtgärder som krävs för att de häktade på avdelning 1:5 ska kunna ges möjlighet till vistelse i gemensamhet på samma villkor som de intagna på häktesfilialens övriga avdelningar.

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

Remand Prisons and Prisons

SPPS does not use the term “solitary confinement”. However, a detainee may be kept “separated from others” (*avskild från andra*) or in “seclusion” (*avskildhet*),⁹⁸ which are considered forms of solitary confinement. The various reasons and standards for separation from others or seclusion are described below.

Remand Prisons

With regard to Remand Prisons, the main rule is that a detainee is placed in his or her own cell.⁹⁹ Therefore, the majority of detainees in Remand Prisons are already, by practice, in seclusion.¹⁰⁰ In order to reduce isolation and create a more efficient handling of detainees in Remand Prisons, a number of legal changes were made in 2021. One of the changes was the introduction of a time limit for detainees in Remand Prisons, made in the Code of Judicial Procedure. The amendments state that a detainee may be detained for a continuous period of not more than nine months. If there are special reasons, the court may, at the request of the prosecutor, decide that the time may be exceeded.¹⁰¹

As mentioned in section 3a above, the Remand Prisons Act states that a detainee shall be given the opportunity during the day of being together with other detainees (association) unless:

- (1) the detainee has been placed in a place of confinement other than a Remand Prison where the local conditions do not permit association;
 - (2) it is necessary for security reasons to hold the detainee separate from other detainees;
- or
- (3) separation is necessary to carry out a body inspection.¹⁰²

According to SPPS regulations and general advice about Remand Prisons, security reasons that make it necessary to keep the detainee separated from others may be e.g. that there is a risk of release or escape, that the detainee is violent or intoxicated, that an inappropriate client constellation has arisen that cannot be resolved through relocation, that threats of violence have been made or that damage has taken place.¹⁰³

⁹⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

⁹⁹ Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 2, section 1.

¹⁰⁰ Sweden, Swedish Parliamentary Ombudsman (*Riksdagens ombudsman*) [Report from the OPCAT unit 2019 \(*Rapport från OPCAT enheten 2019*\)](#) 2019, p. 84.

¹⁰¹ Sweden, [Code of Judicial Procedure \(*Rättegångsbalken \[1942:740\]*\)](#), 18 July 1942, chapter 24, section 4a.

¹⁰² Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 2, section 5.

¹⁰³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 2, general recommendations on chapter 2, section 5 Remand Prisons Act.

The Remand Prisons Act also regulates the use of restrictions. A detainee who is in Remand Prison on suspicion of a crime may be subjected to curtailments of his or her contact with the outside world (restrictions) if a risk exists that he or she will remove evidence or otherwise impede the investigation of the matter at issue.¹⁰⁴ In the case of a person who is in a Remand Prison, restrictions of this kind may only be imposed if he or she is subject to restrictions in accordance with Chapter 24, Section 5a of the Code of Judicial Procedure.¹⁰⁵

Such decision may relate to restrictions in the right to:

- (1) be placed together with other detainees in accordance with Chapter 2, Section 1, second paragraph;
- (2) association in accordance with Chapter 2, Section 5;
- (3) follow events in the outside world in accordance with Chapter 2, Section 9;
- (4) possess periodicals and newspapers in accordance with Chapter 2, Section 11;
- (5) receive visits in accordance with Chapter 3, Section 1, first paragraph;
- (6) be in contact with another person through electronic communication in accordance with Chapter 3, section 4; or
- (7) send and receive mail in accordance with Chapter 3, Section 7.¹⁰⁶

Prisons

In Prisons, detainees may be locked in their own cells for nightly rest.¹⁰⁷ In addition, a detainee may be granted to be separated from others on his or her own request.¹⁰⁸ A detainee can be involuntarily separated from others for the following reasons:

- Separation for reasons of good order and safety;¹⁰⁹
- Separation during investigation of misconduct;¹¹⁰
- Separation for a body inspection.¹¹¹

The Prisons Act stipulates that detainees can be kept separated from each other temporarily if it is considered necessary to maintain order and safety.¹¹²

Further, a detainee may temporarily be kept separated from others if considered necessary because the detainee is violent or intoxicated. If a separation according to paragraph 1 can not be carried out at the current facility, a detainee can be placed in a Remand Prison for a maximum of 48 hours.¹¹³

Detainees can also be separated from others if necessary:

¹⁰⁴ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 6, section 1.

¹⁰⁵ Sweden, [Code of Judicial Procedure \(Rättegångsbalken \[1942:740\]\)](#), 1 January 1999, chapter 24, section 5a. As stated in chapter 3 above, the provision was amended in 2021 and entered into force 1 July 2021.

¹⁰⁶ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 6, section 2.

¹⁰⁷ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 3.

¹⁰⁸ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 4. A consent for separation according to the first paragraph shall be reviewed as often as possible, but at least once a month.

¹⁰⁹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 5.

¹¹⁰ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 6.

¹¹¹ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 7.

¹¹² Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 5.

¹¹³ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 6.

1. with regard to the safety of the country;
2. with regard to the fact that there is a risk for the detainees' or other persons' safety to life or health or for serious damage to property that belongs to or has been granted to SPPS;
3. with regard to there being a risk that the detainee escapes, or gets freed and it can be assumed that he or she is particularly inclined to continue serious criminal activity;
4. in order to prevent the detainee to engage other detainees in severely disturbing the order at the institution;
5. in order to prevent the detainee to distribute or access alcohol, drugs or other intoxicants e.g. certain doping classed drugs¹¹⁴ or other goods included in the law prohibiting certain health hazardous goods;¹¹⁵ or
6. in order to prevent the detainee to seriously molest another detainee.

A decision to separate a detainee from others shall be reviewed as often as possible, but at least every 10 days.¹¹⁶

A detainee may be held temporarily separate from other detainees during an investigation of misconduct. The detainee may not be held separate for longer than four days. During this time, the detainee may be refused contact with other persons through visits, electronic communication or mail if this is absolutely necessary to avoid jeopardizing the purpose of the investigation.¹¹⁷

A detainee may also be held separate from other detainees if this is necessary to carry out a body inspection.¹¹⁸

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

Remand Prisons

A decision on separation from others in accordance with the Remand Prisons Act outlined in section 4a above shall be reconsidered as often as there is reason to do so, but at least every ten days.¹¹⁹

For a detainee who is in custody due to suspicion of crime, a detention plan must be established within two weeks of the detention. The detention plan must be individually

¹¹⁴ Sweden, [Act on the prohibition of certain dopants \(Lag \[1991:1969\] om förbud mot vissa dopningsmedel\)](#), 19 December 1991.

¹¹⁵ Sweden, [Act on the prohibition of certain goods hazardous to health \(Lag \[1999:42\] om förbud mot vissa hälsofarliga varor\)](#), 25 February 1999.

¹¹⁶ Sweden, [Prisons Act \(Fångelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 7.

¹¹⁷ Sweden, [Prisons Act \(Fångelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 8.

¹¹⁸ Sweden, [Prisons Act \(Fångelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 9.

¹¹⁹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 2, section 3a.

designed according to the circumstances of the individual case.¹²⁰ The detention plan must, among other things, identify the detainee's need of isolation-breaking measures.¹²¹

When a detainee is placed in solitary confinement, it is necessary to investigate the prerequisites for isolation-breaking measures. Examples of actions breaking isolation are restriction groups and meeting sessions. A restriction group means that two or more members, restricted from spending time with other detainees, are staying together in the presence of personnel. Meeting sessions means that two detainees, with or without restrictions, spends a certain amount of daytime together in a living room or other designated space without the presence of staff. If a detainee is confined to restrictions, restriction group and meeting sessions may only be granted to the extent that the prosecutors allow. A detainee with restrictions may only have meeting sessions with other detainees who has restrictions.¹²²

As mentioned above, a detainee who is under 18 and held in a Remand Prison, should have the right to stay with staff or another person for at least 4 hours every day in order to reduce isolation.¹²³

Prisons

As mentioned in chapter 4 a) above, a decision to separate a detainee from others in accordance with chapter 6, section 7 of the Prisons Act shall be reviewed as often as possible, but at least every 10 days.¹²⁴

Detainees who are held separated from others because of violent behaviour or for threatening the life or health of themselves or others shall be examined by a doctor as soon as possible. A detainee who is separated from other detainees for other reasons shall be examined by a physician if deemed necessary for the health status of the detainee, and at least once a month.¹²⁵ The same rules apply for all three security levels.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

See chapter 1e) above with regard to the different detention regimes.

¹²⁰ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 25.

¹²¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 26.

¹²² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 2, general recommendations on chapter 2, section 5 Remand Prisons Act.

¹²³ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 5a. As stated in chapter 3 above, the provision was amended in 2021 and entered into force 1 July 2021.

¹²⁴ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 7.

¹²⁵ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 10.

As has been outlined above, the regulations regarding solitary confinement differ between Prisons and Remand Prisons. The main reason for this is the nature of Remand Prisons, and the fact that the majority of the detainees in Remand Prisons are isolated.¹²⁶

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

See chapter 1f) above.

Remand Prisons

Specific provisions are in place for detainees in Remand Prisons who are subjected to restrictions in accordance with the Remand Prisons Act. A detainee who is in Remand Prison may request the District Court to examine a decision to subject him or her to restrictions of a particular kind. The court shall examine such a request when it examines the question of an authorisation for restrictions in accordance with Chapter 24, Section 5a of the Code of Judicial Procedure.¹²⁷ The prosecutor shall be given the opportunity to present an opinion before the court takes its decision.¹²⁸

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf

Isolation in Remand Prisons

Recommendation: *In spring 2017, the Parliamentary Ombudsmen conducted a series of OPCAT inspections, and then stated that the Prison and Probation Service should ensure that the time that detainees associate with others is reported and documented in a consistent manner. Furthermore, the Chief Parliamentary Ombudsman stated that for detainees who, for various reasons, do not associate with others, isolation-breaking measures should be reported and documented. Finally, the Chief Parliamentary Ombudsman requested that the Prison and Probation Service should respond on how it follows up on the time detainees associate with others and the use of isolation-breaking measures.*

National Language: *Under våren 2017 genomförde JO en serie Opcat-inspektioner, och uttalade därefter att Kriminalvården bör se till att den tid som intagna vistas i gemensamhet rapporteras och dokumenteras på ett likvärdigt sätt. Vidare uttalade chefsJO att för intagna som av olika skäl inte vistas i gemensamhet, bör isoleringsbrytande åtgärder rapporteras och dokumenteras. Slutligen begärde chefsJO att Kriminalvården skulle återrapportera om hur myndigheten följer upp den tid som intagna vistas i gemensamhet och isoleringsbrytande åtgärder.*

¹²⁶ Sweden, Swedish Parliamentary Ombudsman (Riksdagens ombudsman) [Thematic Report from the OPCAT Unit 2020, Isolation of detainees in Remand Prisons \(Isolering av intagna i häkte\)](#) 2020, p. 8.

¹²⁷ Sweden, [Code of Judicial Procedure \(Rättegångsbalk \[1942:740\]\)](#), 1 January 1999, chapter 24, section 5a.

¹²⁸ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 6, section 4.

The response was received in June 2018 and what emerged from this led the Chief Parliamentary Ombudsman to follow up on the issues of holding remand prisoners in association places and the use of isolation-breaking measures in an own-initiative inquiry. Within the framework of the own-initiative inquiry, the Chief Parliamentary Ombudsman held a dialogue meeting in March 2019 with representatives of the Prison and Probation Service.

In a decision on 5 February 2020, the Chief Parliamentary Ombudsman directed very serious criticism at the Prison and Probation Service because it has not progressed any further in the work of preventing remand prisoners being isolated. Subsequently, the Parliamentary Ombudsman also published a thematic report entitled *Isolation of inmates in Remand Prisons*.

Placing detainees in segregation (solitary confinement)

During a number of prison inspections in 2019, it was noted that SPPS's decisions on segregating were inadequately formulated. It was not always possible to read why the detainees had been segregated.

Recommendation: Following the inspections, the Chief Parliamentary Ombudsman emphasised that a decision that can be assumed to affect an individual's situation in a not insignificant manner must, unless it is unnecessary, contain a clear justification with information detailing the circumstances that have been decisive for the agency to take such a position. If a detainee is segregated, the measure must be documented and the documentation must state the reasons for the measure. The Chief Parliamentary Ombudsman called on the Prison and Probation Service to review its procedures for decisions on segregation and the application of the current provisions.

National Language: Vid inspektioner av anstalter under 2019 uppmärksammades att Kriminalvårdens beslut om placering i avskildhet var bristfälligt utformade. Det var inte alltid möjligt att utläsa varför de intagna hade placerats i avskildhet. Efter inspektionerna framhöll chefsJO att ett beslut som kan antas påverka någons situation på ett inte obetydligt sätt ska, om det inte är obehövligt, innehålla en klagörande motivering med uppgifter om vilka omständigheter som varit avgörande för myndighetens ställningstagande. Om en intagen hålls avskild ska åtgärden dokumenteras och det ska av dokumentationen framgå vilka skälen för åtgärden är. ChefsJO uppmanade Kriminalvården att se över rutinerna för beslut om avskildhet och tillämpningen av de aktuella bestämmelserna.

During the inspection of *the prison Västervik Norra*, it emerged that it has a special unit for holding detainees segregated at their own request. The unit is divided into two parts; the "locked" and the "semi-open side". Several of the detainees had been segregated for very long periods of time. One of the inmates had been segregated for over 600 days. In conversations with the Parliamentary Ombudsmen's employees, a couple of the detainees stated that they would rather be placed in association with others in secure places for their own protection, but that the lack of such places had led them to not seeing any alternative than being placed in segregation.

Recommendation: *Following the inspection, the Chief Parliamentary Ombudsman reiterated that the intention behind the provisions regarding segregation state that if a situation – for example where a detainee feels threatened – can be resolved in another way than holding a detainee segregated, such a measure should be the primary choice. The Chief Parliamentary Ombudsman further stated that segregation should only be used in exceptional circumstances when all other alternatives have been exhausted. If a detainee is nonetheless segregated, the Prison and Probation Service must work actively to ensure that it lasts for as short a period as possible. Placing a detainee in need of protection in segregation should only occur pending a more permanent solution, for example relocation to a secure place for their own protection.*

National language: *Efter inspektionen påminde chefsJO om att det i motiven till bestämmelsen angående avskiljande anges att om en situation – exempelvis där den intagne känner sig hotad – kan lösas på ett annat sätt än att hålla den intagne avskild bör en sådan åtgärd väljas i första hand. ChefsJO uttalade vidare att en placering i avskildhet bara bör användas i undantagsfall när andra alternativ är uttömda. Om en intagen ändå placeras i avskildhet måste Kriminalvården arbeta aktivt för att placeringen ska pågå under så kort period som möjligt. En placering i avskildhet för en intagen i behov av skydd bör bara ske i avvaktan på en mer varaktig lösning, t.ex. förflyttning till en skyddsplats.*

It further emerged from the inspection that the detainees who are placed on the semi-open side associate with each other for most of the day. The only reason they are locked in during the day is that the detainees on the unit's locked side should be able to use the unit's balcony.

Recommendation: *In the view of the Chief Parliamentary Ombudsman, this means that the real reason for being placed in segregation on the semi-open side is the design and layout of the prison's premises. During the conversations that the Parliamentary Ombudsmen's employees had with detainees, they expressed that they wanted to be on the semi-open side because it is calmer there. According to the Chief Parliamentary Ombudsman, this indicates that there is a need to set up smaller units, where the detainees' needs to associate in a smaller group and with less stimuli can be met. The Chief Parliamentary Ombudsman finally noted that the management of the prison has expressed that the mandate of its so-called RO Department is unclear. In the view of the Chief Parliamentary Ombudsman, what emerged regarding detainees who were segregated at their own request suggested that the Prison and Probation Service needs to review the premises it has available to place detainees who are in need of protection or detainees who need to associate in smaller groups. At the same time, the Prison and Probation Service needs to take measures to ensure that segregating detainees at their own request is only used in exceptional circumstances and for as limited a time as possible.*

National language: *Enligt chefsJO innebär det att den egentliga anledningen till avskildhetsplaceringen på den halvöppna sidan är utformningen av anstaltens lokaler. Vid de samtal som JO:s medarbetare hade med intagna gav de uttryck för att de ville vara på den halvöppna sidan eftersom det är lugnare där. Enligt chefsJO talar det för att det finns ett behov av att inrätta mindre avdelningar, där de intagnas behov av att vistas i en mindre grupp av intagna och med mindre stimuli kan tillgodoses. ChefsJO noterade slutligen att ledningen för anstalten gett uttryck för att uppdraget med den s.k. RO-avdelningen är otydligt. Det som sammantaget kom fram angående intagna som*

avskilts på egen begäran, talade enligt chefsJO för att Kriminalvården behöver se över vilka förutsättningar myndigheten har att placera intagna som är i behov av skydd eller intagna som behöver vistas i mindre grupper av intagna. Samtidigt behöver Kriminalvården vidta åtgärder för att en placering i avskildhet på egen begäran bara ska användas i undantagsfall och under så begränsad tid som möjligt.

Report from the National Preventive Mechanism – NPM, Thematic Report from the OPCAT Unit 2020, Isolation of inmates in Remand Prisons, published 2020, available at: [https://www.jo.se/Global/NPM-protokoll/Opcat thematic report isolation of inmates 2020 web.pdf](https://www.jo.se/Global/NPM-protokoll/Opcat%20thematic%20report%20isolation%20of%20inmates%202020%20web.pdf)

Recommendation: *The Chief Parliamentary Ombudsman's statements can be summarised by the following points:*

- *In 2018, 83 per cent of inmates with restrictions and 76 per cent of young inmates with restrictions were held in conditions amounting to solitary confinement. The corresponding figure for inmates who did not have restrictions was 33 per cent.*
- *Isolation risks affecting not only inmates who have restrictions imposed upon them, but also inmates who have a legal right of association with other inmates.*
- *In the opinion of the Chief Parliamentary Ombudsman, the Prison and Probation Service must take a comprehensive approach to both the issues of premises and staffing. It is necessary for the agency to be able to offer inmates the ability to associate with one another and measures to break isolation.*
- *The Prison and Probation Service should ensure that the reporting of isolation-breaking measures only includes time spent where inmates have meaningful human contact.*
- *In the opinion of the Chief Parliamentary Ombudsman, it is very important that the Prison and Probation Service develops a support system on site that makes it possible to follow the work with isolation-breaking measures over time.*
- *There needs to be a review of, inter alia, the Remand Prisons Act in order to strengthen inmates' rights of association with one another and counteract isolation.*

National Language: *ChefsJO:s uttalanden kan sammanfattas med följande punkter:*

- *Under 2018 var 83 procent av häktade med restriktioner och 76 procent av unga häktade med restriktioner isolerade. Motsvarande siffra för intagna som inte hade restriktioner var 33 procent.*
- *Isolering riskerar att drabba inte bara intagna som är meddelade restriktioner, utan även intagna som har laglig rätt att vistas i gemensamhet.*
- *Enligt chefsJO måste Kriminalvården ta ett samlat grepp om både lokal- och personalfrågan. Det är nödvändigt för att myndigheten ska kunna erbjuda intagna vistelse i gemensamhet respektive isoleringsbrytande åtgärder.*
- *Kriminalvården bör säkerställa att redovisningen av isoleringsbrytande åtgärder bara omfattar aktiviteter som innebär att den intagne har en meningsfull mänsklig kontakt.*
- *Enligt chefsJO är det mycket angeläget att Kriminalvården får ett systemstöd på plats som gör det möjligt att följa arbetet med isoleringsbrytande åtgärder över tid.*

- *Det behöver ske en översyn av bl.a. häkteslagen i syfte att stärka intagnas rätt till gemensamhet och för att motverka isolering.*

In addition, the Parliamentary Ombudsman published a thematic report in 2020 entitled *Situation for people deprived of their liberty during the Covid-19 pandemic*.

Report from the National Preventive Mechanism – NPM, thematic report from the OPCAT unit 2020, Situation for people deprived of their liberty during the Covid-19 pandemic, published 2020, available at: [https://www.jo.se/Global/NPM-protokoll/Opcat thematic report Situation%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic webb.pdf](https://www.jo.se/Global/NPM-protokoll/Opcat%20thematic%20report%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic%20webb.pdf)

In a number of situations, the Prison and Probation Service can decide that an inmate should be segregated from the other inmates. Inmates in a prison may, inter alia, be temporarily segregated from each other, if this is necessary to maintain order or safety and security. In a petition to the Government on 8 May 2020, the Swedish Prison and Probation Service highlighted a need to change the provision in the Prisons Act that allows for inmates in prisons to be temporarily segregated from others.¹²⁹ According to the agency, there was a need to clarify that such segregation may last for longer than one day if there are special reasons.¹³⁰ The intention is for the Swedish Prison and Probation Service to be able to decide on segregation for longer periods of time in order to deal with large staff losses as a result of the spread of infection. The agency considered that, in any case, a temporary regulation should be introduced that provided this possibility.

Recommendation: Parliamentary Ombudsman Katarina Pahlsson emphasized that in a crisis, there are significant risks that amendments to the law are made in very short timeframes and based on limited preparation, which will restrict the freedoms and rights of individuals. She stated that the Swedish Prison and Probation Service already has far-reaching possibilities under the Prisons Act to place inmates in segregation in different situations and that an extension of this possibility would mean a further restriction of prisoners' freedoms. She referred to the fact that the Parliamentary Ombudsmen has, on several occasions, highlighted a need to strengthen inmates' basic right to associate with others during the day. In the opinion of the Parliamentary Ombudsmen, there are reasons in both the Prisons Act and the Remand Prisons Act to define the concept of association and to regulate the scope of inmates' right to associate with others on a daily basis, and there needs to be a review of the exceptional situations in which the Swedish Prison and Probation Service is able to limit this right. If there is reason to also investigate the amendment that the Swedish Prison and Probation Service has petitioned for, all issues should, in the opinion of the Parliamentary Ombudsman, be thoroughly analysed in one context.

National Language: *JO Katarina Pahlsson framhöll att det i krissituationer finns påtagliga risker för att det på mycket kort tid och med begränsat beredningsunderlag sker*

¹²⁹ Original Footnote: Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 6, section 5. Other provisions governing segregation were not covered by the petition.

¹³⁰ Original Footnote: See Sweden, SPPS (*Kriminalvården*), SPPS's petition for amendments in legislation regarding segregation in a prison for reasons of order and security (*Framställan om ändringar i lagstiftningen vad avser avskildhet i anstalt av ordnings- och säkerhetsskäl*), 2020, ref. no. 2020- 6677.

lagändringar som inskränker enskildas fri- och rättigheter. Hon konstaterade att Kriminalvården redan har långtgående möjligheter enligt fängelselagen att i olika situationer avskilja de intagna och att en utökning av denna möjlighet skulle innebära en ytterligare begränsning av de intagnas frihet. Hon hänvisade till att JO vid era tillfällen pekat på att det finns ett behov av att stärka de intagnas grundläggande rätt att under dagtid vistas i gemensamhet. Enligt JO finns det skäl att i såväl fängelselagen som häkteslagen definiera begreppet gemensamhet och reglera omfattningen av de intagnas rätt att dagligen vistas tillsammans, och det behöver ske en översyn av i vilka undantagssituationer som Kriminalvården ska ha möjlighet att begränsa denna rättighet. Om det finns skäl att också utreda den förändring som Kriminalvården efterfrågade, borde samtliga frågor enligt JO:s mening grundligt analyseras i ett sammanhang.

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Access to medical services

Remand Prisons and Prisons

According to the Ordinance on Remand Prisons (*Häktesförordning*) [and the](#) Ordinance on Prisons (*Fängelseförordning*), every Remand Prison and Prison must have access to a licensed doctor and trained staff with suitable medical competence.¹³¹

According to SPPS, the agency has first-line medical care (corresponding to primary care) on site in Prisons and Remand Prisons with access to a nurse during office hours (in most cases during the day Monday to Friday, in some Prisons during daytime weekends). SPPS has its own doctors (general practitioners) available by telephone during office hours, and physically on site for assessments and consultations one or a few times a week. In addition, all Prisons and most Remand Prisons have access to specialist doctors in psychiatry, for consultation by telephone or physical assessment on site.¹³²

A detainee should be asked for his/her state of health in connection with his or her admission to the institution. The detainee shall as soon as possible be given the opportunity to have his or her health examined by a nurse, if such an examination has not been carried out in another Remand Prison or another Prison. A detainee with an ongoing medical treatment should always be given the opportunity to see a nurse.¹³³

If a detainee is prescribed a certain medicine, he/she shall have access to that medicine in accordance to the prescription.¹³⁴

¹³¹ Sweden, [Ordinance on Remand Prisons \(Häktesförordning \[2010:2011\]\)](#), 22 December 2010, section 15 and; Sweden, [Ordinance on Prisons \(Fängelseförordning \[2010:2010\]\)](#), 22 December 2010, section 25.

¹³² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹³³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 5, section 1; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 9, section 1.

¹³⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 5,

In case of acute illness or injury, a detainee should immediately receive medical attention.¹³⁵

Remand Prisons

A detainee who needs healthcare or medical services must be examined by a doctor. A doctor shall also be called if a detainee requests to see a doctor, and it is not obvious that such an examination is not needed. A detainee, who needs healthcare or medical services shall be treated in accordance with the instructions of a doctor. If a detainee cannot be examined or treated appropriately in the place of confinement, the public health service shall be used. If necessary, the detainee shall be transferred to a hospital. If needed for security reasons, the detainee shall be placed under surveillance.¹³⁶

Prisons

A detainee who needs healthcare or medical services shall be treated in accordance with the instructions of a doctor. If the detainee cannot be examined or appropriately treated in the prison, the public health service shall be used. If necessary, the detainee shall be transferred to a hospital. If it is necessary for security reasons, the detainee shall be placed under surveillance.¹³⁷

Access to dentists and opticians

Remand Prisons and Prisons

A detainee in a Remand Prison or a Prison who needs emergency dental care shall be given such care.¹³⁸ A detainee who needs to be examined by an optician or needs glasses may be granted financial support for this purpose after the detainee's own financial capacity has been assessed.¹³⁹

Prisons

section 2; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, chapter 9, section 2.

¹³⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 5, section 3; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, chapter 9, section 3.

¹³⁶ Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 5, section 1.

¹³⁷ Sweden, [Prisons Act \(*Fängeslag \[2010:610\]*\)](#), 10 June 2010, chapter 9, section 1.

¹³⁸ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 16; Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, chapter 1, section 16.

¹³⁹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 6, section 1 and 6.

A detainee in a Prison who needs basic dental care should get such care, if it can be appropriately arranged and if the sentence still can be enforced in an effective manner.¹⁴⁰

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

Remand Prisons and Prisons

As stated in section 5a above, according to the Ordinance on Remand Prisons and the Ordinance on Prisons, every institution must have access to a licensed doctor and trained staff with suitable medical competence.¹⁴¹

According to SPPS, the agency fulfills the care guarantee with access to assessment by licensed health and medical care personnel within three days.¹⁴²

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

Remand Prisons and Prisons

As stated in chapter 5a above, a detainee should be asked about his/her state of health in connection with his or her admission to the institution, Remand Prisons and Prisons. The detainee shall as soon as possible be given the opportunity to have his or her health examined by a nurse, if such an examination has not been carried out in another Remand Prison or another Prison.¹⁴³

According to SPPS, all detainees are offered an initial health examination by a licensed nurse, no later than the next working day after arrival.¹⁴⁴

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

Remand Prisons and Prisons

As stated in section 5a above, a detainee in need of healthcare or medical services shall be given the care which is specified by a doctor. Hence, if a detainee is in need of specialist healthcare or medical services, this must be arranged.

According to SPPS, all Prisons and most Remand Prisons have access to specialist doctors in psychiatry, for consultation by telephone or physical assessment on site. In the event of an acute illness or a condition that requires specialist assessment or hospital care, the detainees are transported to the regions' care facilities.¹⁴⁵

¹⁴⁰ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 16.

¹⁴¹ Sweden, [Ordinance on Remand Prisons \(Häktesförordning \[2010:2011\]\)](#), 22 December 2010, section 15; and, Sweden, [Ordinance on Prisons \(Fängelseförordning \[2010:2010\]\)](#), 22 December 2010, section 25.

¹⁴² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁴³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 5, section 1; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 9, section 1.

¹⁴⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁴⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

The Act on Forensic Psychiatric Care (*Lag om rättspsykiatrisk vård*)¹⁴⁶ is applicable to detainees in Remand Prisons¹⁴⁷ and Prisons.¹⁴⁸ According to the Act, a detainee can receive forensic psychiatric care if:

1. he/she suffers from a serious mental disorder;
2. he/she, in view of his mental condition and his personal circumstances in general, needs psychiatric care, which can be met by being admitted to a health care facility; and
3. he/she opposes such care or there is good reason to assume that the care cannot be provided with his/hers consent as a result of his mental condition.¹⁴⁹

Further, SPPS offers four different treatment programs for detainees who have an addiction. Detainees with drug and alcohol abuse can participate in the so called “12-step program” (*12-stepsprogrammet*). For those detainees whose drug and / or alcohol abuse has a strong connection to a criminal lifestyle, there is a program called “Dare to choose” (*Våga välja*) and an individual treatment program called “Prism”. There is also a program aimed at clients whose crime is linked to a gambling problem (*Spelprogrammet*). If a detainee already has undergone a treatment program, he or she may participate in the Relapse Prevention Program (*Återfallsprevention*) to gain more practice in managing different risk situations in regards of addiction.¹⁵⁰

Prisons

A detainee in Prison can be placed for a *Stay-in-Care* in a home for care and accommodation (*Hem för vård och boende*) by the social services.¹⁵¹ A *Stay-in-Care* may be granted for a detainee who needs care or treatment for the substance abuse of a dependency producing substance or for some other special condition that can be assumed to be linked to his or her criminality, providing that there is no noticeable risk that he or she will commit crimes, evade the full sentence of his or her sentence or otherwise seriously misbehave.¹⁵² When assessed if a detainee may be the subject of a *Stay-in-Care*, the need of care for i.e. psychiatric problems and disabilities must be considered.¹⁵³

- e) Are there any national standards with regard to a medical treatment of the detainee’s own choosing? If so, what do they require?

Remand Prisons and Prisons:

According to SPPS, access to health care within SPPS is governed by two different principles, the normalization principle and Nelson Mandela rules. SPPS has no statutory obligation to conduct health care under its own auspices. However, transporting all detainees to a health

¹⁴⁶ Sweden, [Act on Forensic Psychiatric Care \(Lag om rättspsykiatrisk vård \[1991:1129\]\)](#), 1 September 2008, section 6, paragraph 1.

¹⁴⁷ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 5, section 2.

¹⁴⁸ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 9, section 2.

¹⁴⁹ Sweden, [Act on Forensic Psychiatric Care \(Lag om rättspsykiatrisk vård \[1991:1129\]\)](#), 1 September 2008, section 4.

¹⁵⁰ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Addiction and dependence \(Missbruk och beroende\)](#).

¹⁵¹ Sweden, [Social Services Act \(Socialtjänstlagen \[2001:453\]\)](#), 1 September 2008, chapter 6, Section 1.

¹⁵² Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 11, section 3.

¹⁵³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendation on chapter 11, section 3.

center or hospital for initial health examinations or medical assessments at the primary care level would be very resource-intensive and entail significant safety risks, while there are no formal obstacles to all health and medical examinations taking place at the regions' institutions. Therefore, SPPS conducts certain open health and medical care that falls under the same regulations as other health care in Sweden. This means that it must be of good quality, safe, secure for the patient, and cost-effective. The role of SPPS is limited to mediating help, via consultations (referrals) or transport of clients to another care provider. The principle of normalization thus means that detainees have the same right to society's support and help as all other citizens.¹⁵⁴

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

See chapter 1e) above with regard to the different detention regimes.

As have been outlined above, most standards are applicable to both Remand Prisons and Prisons. However, access to certain specialist care (e.g. *Stay-in-Care* in a Home for Care and Accommodation (*Hem för vård och boende*)), is only provided for detainees in Prison.

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

See section 1f above.

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: [https://www.jo.se/Global/NPM-protokoll/Report Opcat 2019 eng web.pdf](https://www.jo.se/Global/NPM-protokoll/Report_Opcat_2019_eng_web.pdf)*

During the inspection of *the prison Västervik Norra*, the Parliamentary Ombudsmen's employees spoke to a detainee who had undergone a medical procedure at the prison. According to the detainee, the procedure was performed without anaesthesia. After the operation, the detainee had suffered bleeding that lasted for an entire night. According to the detainee, he contacted the night staff, but they stated that the officer on duty did not want to transport him to hospital. It was only during unlocking the next morning that the detainee received help. By then there was blood over "the whole cell", and he was taken to hospital.

Recommendation: Due to the details that emerged during the inspection, the Parliamentary Ombudsman decided to open an own-initiative inquiry to investigate the Prison and Probation Service's treatment of the detainee.

¹⁵⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

National language: *Med anledning av vad som kom fram vid inspektionen beslutade JO att öppna ett särskilt initiativärende för att utreda Kriminalvårdens behandling av den intagne.*

In addition, the Parliamentary Ombudsman published a thematic report in 2020 entitled *Situation for people deprived of their liberty during the Covid-19 pandemic.*

Report from the National Preventive Mechanism – NPM, thematic report from the OPCAT unit 2020, Situation for people deprived of their liberty during the Covid-19 pandemic, published 2020, available at: [https://www.jo.se/Global/NPM-protokoll/Opcat thematic report Situation%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic webb.pdf](https://www.jo.se/Global/NPM-protokoll/Opcat%20thematic%20report%20Situation%20for%20people%20deprived%20of%20their%20liberty%20during%20the%20Covid-19%20pandemic%20webb.pdf)

During the Parliamentary Ombudsmen's inspections of remand prisons and prisons, it emerged that the Prison and Probation Service's healthcare during spring 2020 did not have access to testing equipment so as to test inmates continually for Covid-19 infection. On the other hand, the agency had the so-called capillary test to determine if inmates had antibodies to the virus. Such a test can only be performed after an inmate has shown symptoms for seven days. *Parliamentary Ombudsman Katarina Pålsson* emphasised that the safety and security of inmates is dependent on there being a capacity to test for infection and that such tests are also carried out.

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Recommendation: In the opinion of Parliamentary Ombudsman Katarina Pålsson, the Prison and Probation Service needs to take immediate measures to ensure that inmates belonging to an at-risk group are given the chance to stay in a department in the security class in which they are usually placed but separate from other inmates who do not belong to an at-risk group.

National language: *Enligt JO Katarina Pålsson behövde Kriminalvården omedelbart vidta åtgärder som säkerställer att intagna som tillhör en riskgrupp ges möjlighet att vistas på en avdelning i den säkerhetsklass de normalt ska vara placerade i, men skilda från övriga intagna som inte tillhör en riskgrupp.*

Recommendation: Parliamentary Ombudsman Katarina Pålsson explained that she could not interpret the situation in any other way than that the spread of Covid-19 through society had led to inmates' access to healthcare being limited. She stated that she did understand that healthcare staff, in the event of suspected or confirmed infection of Covid-19, could need to reprioritise and take precautionary measures, but said that the routine in question was not based on the premise that there would be reprioritisations in the event of a suspected or confirmed infection. She further stated the following:¹⁵⁵

¹⁵⁵ Original Footnote: Sweden, Parliamentary Ombudsman's (*Justitieombudsmannen*) Decision O 12-2020, 30 June 2020.

“Instead, the routine is based on staff generally minimising all contact with inmates. In my opinion, this is unacceptable. This also applies to the fact that it is not clear for how long the general restriction will apply. There are reasons for the Prison and Probation Service to review its routines and how they are applied to ensure that there are no unjustified restrictions on inmates’ access to health and medical care.”

National language: *JO Katarina Pålsson förklarade att hon inte kunde tolka situationen på annat sätt än att samhällspridningen av covid-19 hade lett till att de intagnas tillgång till hälso- och sjukvård hade begränsats. Hon uttryckte en förståelse för att hälso- och sjukvårdspersonalen vid befarad eller konstaterade smitta av covid-19 kunde behöva göra omprioriteringar och vidta försiktighetsåtgärder, men menade att den aktuella rutinen inte utgick från förutsättningen att det skulle ske omprioriteringar vid befarad eller konstaterad smitta. Hon uttalade vidare följande:*

“I stället bygger rutinen på att personalen generellt ska minimera samtliga kontakter med intagna. Detta är enligt min mening inte acceptabelt. Det gäller även den omständigheten att det inte framgår under hur lång tid den generella inskränkningen ska gälla. Det finns skäl för Kriminalvården att se över rutinerna och hur de tillämpas för att säkerställa att det inte uppstår några obefogade begränsningar av de intagnas tillgång till hälso- och sjukvård.”

6. Special measures in place to protect young detainees

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Remand Prisons and Prisons

A detainee in a Remand Prison or a Prison who is under the age of 18 years may not be placed together with detainees aged 18 or over, unless this can be considered to be in his or her best interests.¹⁵⁶ According to SPPS, the agency has a few dedicated departments in both Prisons and Remand Prisons for young detainees.¹⁵⁷

The best interests of the child shall be given special consideration in matters concerning children. Assessments concerning the best interests of the child must be based on the individual child's situation.¹⁵⁸ This means that the best interest of the child (i.e. also the age of the detainee) must be taken into account in the individual sentence plan and the risk- and needs assessments.¹⁵⁹

¹⁵⁶ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 3; and Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 2, section 3.

¹⁵⁷ Sweden, e-mail correspondence with SPPS (Kriminalvården), 15 October 2021.

¹⁵⁸ Sweden, Prison and Probation Services (Kriminalvården), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 2a. The definition of a child is a person under the age of 18, see chapter 1, section 3; and Sweden, Prison and Probation Services (Kriminalvården), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 2a. The definition of a child is a person under the age of 18, see chapter 1, section 3.

¹⁵⁹ Sweden, Prison and Probation Services (Kriminalvården), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 26-27; and Sweden, Prison and Probation Services (Kriminalvården), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 25-26.

Remand Prisons

If a detainee reaches the age of 18 during the time of being held in remand, the detainee may continue to be placed so that he or she stays with the detainees under the age 18, if it is justified with regard to his or her personal circumstances and is otherwise considered appropriate.¹⁶⁰

When a detainee is under 18 years old, measures should be taken to avoid that the person is left completely alone, with regard to the circumstances of each case. If other measures cannot be found, it may be necessary to place the young person together with appropriate detainees over 18 years of age.¹⁶¹

If a detainee is under 18 years old, the individual plan must specify the efforts that are to be made due to the special needs that a child may have with regard to e.g. contact with parents or other caregiver, education plan, leisure activities, other social contacts and other isolation-breaking measures.

As mentioned in chapter 3 and 4 above, a detainee who is under 18 and held in a Remand Prison should have the right to stay with staff or another person for at least 4 hours every day in order to reduce isolation.¹⁶²

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

Remand Prisons and Prisons

According to SPPS, a detainee is considered young if the person is registered / enrolled in a Prison, Remand Prison or probation by SPPS before the age of 21 years old.¹⁶³ A detainee is considered a "young person" during the entire execution of the sentence or until the person turns 24 years old.¹⁶⁴

However, the national standards for Prisons and Remand Prisons only differentiate between adults and children. According to SPPS regulations and general advice about Remand Prisons and Prisons, a person under the age of 18 is to be considered a child.¹⁶⁵

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

¹⁶⁰ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 3.

¹⁶¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, general recommendation on chapter 2, section 3.

¹⁶² Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 5a. Please note that the provision entered into force on 1 July 2021.

¹⁶³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

¹⁶⁴ Sweden, Prison and Probation Services (*Kriminalvården*) (2016) [Annual report for 2016 \(Årsredovisning 2016\)](#), p. 45.

¹⁶⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 3; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 3.

With regard to different detention regimes, see section 1e) above.

As could be read from the section above, there are more specific standards with regard to the separation of young detainees from adults in Remand Prisons than for Prisons.

- d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

See section 1f) above.

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Recommendations from the *National Preventive Mechanism – NPM, report from the OPCAT unit 2019, published 2019, available at: [https://www.jo.se/Global/NPM-protokoll/Report Opcat 2019 eng web.pdf](https://www.jo.se/Global/NPM-protokoll/Report%20Opcat%2019%20eng%20web.pdf)*

During the inspection of *the remand prison in Göteborg*, the Parliamentary Ombudsmen's employees talked to young persons under 18 years of age. Inter alia, they stated that they had not received information concerning how to contact the nurse and that it had taken several days before they were given the opportunity to take a shower.

Recommendation: Following the inspection, the Chief Parliamentary Ombudsman emphasised the importance of all prison staff who have contact with young people held on remand having or receiving the necessary training to treat them in the best possible way. The premise must be that the treatment of individual young person is adapted to their degree of maturity. Part of the work can be to communicate pedagogically, on several occasions both in writing and orally, the rights the young person has whilst in remand prison. Staff should also make sure that the young person has understood the information to ensure that young people can understand their rights.

National language: *Efter inspektionen framhöll chefsJO vikten av att all kriminalvårdspersonal som kommer i kontakt med ungdomar i häkte har eller får den utbildning som är nödvändig för att bemöta dem på bästa sätt. Utgångspunkten måste vara att bemötande av den enskilde ungdomen anpassas till dennes mognadsgrad. En del i arbetet kan vara att pedagogiskt, både skriftligt och muntligt, vid flera tillfällen förmedla vilka rättigheter som ungdomen har i häktet. Personalen bör också försäkra sig om att ungdomen har förstått informationen för att säkerställa att ungdomar kan tillgodogöra sig sina rättigheter.*

7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Remand Prisons and Prisons

The legal use of force is defined in law, guidelines and handbooks. According to SPPS, every member of staff has to go through education developed by the SPPS. Claims of conducted illegal violence or other claims of misconducts can be filed either to the investigating authorities (*Polisen*) and to the Parliamentary Ombudsman (*Justitieombudsmannen*).¹⁶⁶

Furthermore, according to SPPS all employees have a responsibility to respect the human rights of other persons in their professional practice. The employee must perform his or her work in a non-discriminatory manner regardless of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age, and with also consideration of the rights and needs of children where relevant. The equality perspective and the child rights perspective must be taken into consideration in both decision-making and treatment. All employees must observe objectivity and impartiality and otherwise act on the basis of the government's common values and SPPS's own values which also is a part of the staff education program.¹⁶⁷

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

Remand Prisons and Prisons

SPPS states that it has a zero tolerance policy and that violence, threats and harassment amongst detainees are not accepted.¹⁶⁸

Available and trained employees: Employees must receive accurate training and have accurate conditions for their work tasks. This means that employees in the client-oriented activities (*klientnära arbetet*) shall be available for the detainees and physically be where they are. The focus should be on equal treatment and a high level of security awareness.

Attitudes and treatment: Employees must have good communication skills and have an approach that can be adapted to the situation and maintain security.¹⁶⁹

Physical and technical safety: Physical security must be adapted for each Prison and Remand Prison. Technical solutions must contribute to a safer and more secure environment for detainees.

Governing documents: Employees must be aware of, educated in, and follow the applicable governing documents. The governing documents must be clear, legally secure, easy to interpret and implement.¹⁷⁰

¹⁶⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁶⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁶⁸ Sweden, Prison and Probation Services (*Kriminalvården*) (2020) [Annual report for 2020 \(Årsredovisning 2020\)](#), p. 59.

¹⁶⁹ Sweden, Prison and Probation Services (*Kriminalvården*), (2020) [Annual report for 2020 \(Årsredovisning 2020\)](#), p. 63.

¹⁷⁰ Sweden, Prison and Probation Services (*Kriminalvården*), (2020) [Annual report for 2020 \(Årsredovisning 2020\)](#), p. 65.

As mentioned in section 7a above, claims of misconducts can be filed both to the investigating authorities (*Polisen*) and to the Parliamentary Ombudsman (*Justitieombudsmannen*).¹⁷¹

Remand Prisons

A detainee must be given the opportunity to be together with other detainees unless it is necessary for security reasons to hold him/her separated from other detainees.¹⁷² A detainee is entitled to be placed in a cell of his/her own.¹⁷³

A plan for the detention must be established within two weeks of detention. The plan should be individually designed according to the circumstances of the individual case. The detention plan shall be based on a risk assessment and a needs assessment for each detainee.¹⁷⁴ A renewed risk or needs assessment should be conducted when necessary. The risk assessment should identify possible risks of the detainee using threats or violence, or causing other serious misconduct. Based on this overall assessment the necessary risk management measures should be identified.¹⁷⁵ The detention plan shall identify the detainee's needs for, among other things, special protection. By special protection is meant e.g. measures to prevent the detainee from being exposed to threats and violence.¹⁷⁶

Prisons

A detainee may, if appropriate, be allowed to be kept separate from other detainees at his own request.¹⁷⁷ Reasons for keeping a detainee separated can e.g. be that the detainee experiences threats to themselves. If this have a negative impact on the detainee, e.g. on his or her mental health, it may constitute grounds for separation.¹⁷⁸ A detainee may also be kept separate from other detainees if necessary in order to e.g. to prevent the detainee from seriously harassing another detainee.¹⁷⁹

To maintain order or security in the Prison, the detainees must follow specific conditions applicable to the sentence.¹⁸⁰ Specific conditions applicable to the sentence refer to e.g. conditions set out in the detainee's sentence plan. A detainee must show respect for other detainees and not subject anyone to harassment or other improper behavior. By

¹⁷¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

¹⁷² Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 2, section 5, paragraph 2.

¹⁷³ Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 2, section 1.

¹⁷⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 9, including general recommendation.

¹⁷⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 25, chapter 1, section 26 including general recommendation.

¹⁷⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, chapter 1, section 26 including general recommendation.

¹⁷⁷ Sweden, [Prisons Act \(*Fängeslag \[2010:610\]*\)](#), 10 June 2010, chapter 6, section 4.

¹⁷⁸ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, general recommendations on chapter 5 section 4 Prisons Act.

¹⁷⁹ Sweden, [Prisons Act \(*Fängeslag \[2010:610\]*\)](#), 10 June 2010, chapter 6, section 7.

¹⁸⁰ Sweden, [Ordinance on Prisons \(*Fängelseförordning \[2010:2010\]*\)](#), 22 December 2010, section 4.

harassment is meant e.g. sexual harassment or harassment due to sexual orientation, ethnic, ideological, or religious affiliation and harassment due to disability.¹⁸¹

An individual sentence plan shall be developed for each detainee and should be based on a risk assessment and a needs assessment.¹⁸² When deciding on the special conditions that shall apply during the sentence period, special consideration shall be given to the risk that the detainee use threats or violence.¹⁸³

A detainee may not be placed so that he or she is subjected to a more intrusive supervision and control than necessary in order to maintain good order or security. The detainee's need of occupation, care and appropriate leisure occupations must be taken into account to the extent possible when deciding on placement.¹⁸⁴ When making this assessment, special consideration shall be made for the need to avoid the inappropriate composition of the detainees.¹⁸⁵

An inappropriate composition of detainees may for example be detainees who are convicted for the same offense, or who are members of or have connections to the same or a rivaling criminal networks. Other examples refer to detainees who are at risk of being abused by another detainee, or a detainee who may influence another detainee or seriously disturb the security.¹⁸⁶ The assessment of the risks shall among other things take into account;

- the nature and extent of the past and present crime;
- the outcome of past and ongoing sentence;
- if the detainee is a member of or has any connection with a criminal network or organized crime;
- the personal circumstances of the detainee, such as addiction or mental illness.¹⁸⁷

¹⁸¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendations on section 4 of the Ordinance on Prisons.

¹⁸² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 26-27.

¹⁸³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 32, paragraph 3.

¹⁸⁴ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 2, section 1.

¹⁸⁵ Sweden, [Ordinance on Prisons \(Fängelseförordning \[2010:2010\]\)](#), 22 December 2010, section 10, paragraph 2.

¹⁸⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendation on section 10 of the Ordinance on Prisons.

¹⁸⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 2, section 1.

Any decision on placement must be preceded by an overall assessment of that specific case. This assessment must not result in a detainee being placed under a higher or lower degree of supervision and control than is necessary to maintain security and order.¹⁸⁸

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

Remand Prisons and Prisons

The Education Department at SPPS became LGBTQ certified¹⁸⁹ by the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (*Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter, RFSL*)¹⁹⁰ in 2017. The certification means, among other things, that employees at each Competence Centre within SPPS have undergone basic LGBTQ education and that there is a plan for follow-up and quality assurance.¹⁹¹

In 2016, SPPS presented its strategy for their work with LGBTQ issues. The strategy's goal is to create conditions for realizing everyone's equal rights and opportunities within the organisation, regardless of sexual orientation, gender identity or gender expressions.¹⁹² The strategy contains five focus areas that shall apply to all co-workers and detainees, regardless of sexual orientation, gender identity or gender expressions. These areas are:

1. A norm-critical approach;
2. Respect for private life and different family constellations;
3. Equal health, care and social care;
4. Equal conditions to services and missions;
5. No discrimination or other violations.

As a complement to the strategy, an activity plan¹⁹³ and support material¹⁹⁴ for SPPS work with LGBTI issues has been developed. In relation to the fifth focus area (protection from discrimination and other violations), SPPS must offer security for everyone regardless of sexual orientation, gender identity or gender expression. No one shall be subjected to discrimination or other violations. Activities to ensure protection from discrimination and other violations include, among other things:

¹⁸⁸ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendation on chapter 2, section 1 Prisons Act.

¹⁸⁹ Through LGBTQ Certification, an organisation is given the tools to work systematically with issues of human rights, equality, and anti-discrimination, to foster and promote a more inclusive environment.

¹⁹⁰ The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (*Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter, RFSL*), is a non-profit organization founded in 1950.

¹⁹¹ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, [Prison and Probation Service's basic education \(Kriminalvårdsutbildningen\)](#).

¹⁹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS strategy for the work with LGBTQ issues (*Kriminalvårdens strategi för arbetet med hbtq-frågor*), KV 2016-13814, p. 2, 2016-06-13, no URL link available.

¹⁹³ Sweden, SPPS (*Kriminalvården*), Activity plan for SPPS strategy for the work with LGBTI issues (*Aktivitetsplan till Kriminalvårdens strategi för arbetet med hbtq-frågor*), KV 2016-13814, 2017-05-19, no URL link available.

¹⁹⁴ Sweden, SPPS (*Kriminalvården*), Support material for SPPS strategy for the work with LGBTI issues (*Stödmaterial till Kriminalvårdens strategi för arbetet med hbtq-frågor*), KV 2016-13814, 2017-05-19, no URL link available.

- Ensure that the institutions' partners act on the basis of a decided LGBTI strategy,
- Ensure common routines for each department to ensure security to LGBTI-identified detainees (for instance) in safety classification, placement and risk assessment,
- Develop routines for rebuilding and new construction that ensure that the physical environment offers security, from an LGBTI perspective,
- Investigate and, to the extent possible, adapt the physical environment to ensure security for LGBTI-identified clients, (for instance, toilets, showers / changing rooms).¹⁹⁵

Prisons

As outlined in section 7c above, detainees must follow specific conditions applicable to the sentence in order to maintain order or security in the prison.¹⁹⁶ A detainee must show respect for other detainees and not subject anyone to harassment or other improper behavior. By harassment is meant e.g. sexual harassment or harassment due to sexual orientation, ethnic, ideological, or religious affiliation and harassment due to disability.¹⁹⁷

- d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

See chapter 1e) above with regard to the different detention regimes.

As stated above, there are differences between Remand Prisons and Prisons with regard to special measures in place to protect detainees against violence from other detainees.

- e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

See chapter 1e) above.

In addition, claims of conducted illegal violence or other claims of misconducts can be filed either to the investigating authorities (*Polisen*) and to the Parliamentary Ombudsman (*Justitieombudsmannen*).¹⁹⁸

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There are no recommendations available from the NPM reports during the reference period.

¹⁹⁵ Sweden, SPPS (*Kriminalvården*), Activity plan for SPPS strategy for the work with LGBTI issues (*Aktivitetsplan till Kriminalvårdens strategi för arbetet med hbtq-frågor*), KV 2016-13814, 2017-05-19, pp. 11-12, no URL link available.

¹⁹⁶ Sweden, [Ordinance on Prisons \(Fängelseförordning \[2010:2010\]\)](#), 22 December 2010, section 4.

¹⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendations on section 4 Ordinance on Prisons.

¹⁹⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 15 October 2021.

Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 29 January 2021, published 2021, available at: <https://rm.coe.int/1680a3c256>

The CPT's delegation received virtually no recent and/or credible allegations of deliberate physical ill-treatment of prisoners by staff in any of the prisons visited. Most of the inmates interviewed spoke positively about the staff, the general atmosphere was relaxed, and prison officers appeared to be generally professional and well-trained.

However, at Helsingborg remand prison the delegation heard two recent allegations referring to the use of excessive force (pushing, pulling by handcuffs) by custodial staff when transferring an inmate to the observation cell; in one of these cases, the inmate concerned also alleged having been abused verbally by the custodial officer.

Recommendation: The Committee recommends that the management of Helsingborg remand prison delivers to custodial staff the clear message that any use of excessive force and any verbal abuse vis-à-vis prisoners (as well as any other form of disrespectful or provocative behaviour) will not be tolerated.

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

Remand Prisons and Prisons

The national legislation has been gender neutral since 2011, which means that the national standards for conditions of detention of women are generally the same as for men.

In both Prisons and Remand Prisons, a body search or body inspection may not be carried out or witnessed by anyone of the opposite sex who is not a doctor or a registered nurse. However, this does not apply to:

- (1) a body search referred to in Section 4;¹⁹⁹
- (2) a body search that only entails the examination of subjects that a person is wearing;
- (3) a body search carried out using a metal detector or a similar technical device; or
- (4) a body search that only entails taking samples other than urine samples in accordance with Section 5 or 6.

If necessary, a body search or a body inspection/examination of male detainees may also be carried out or witnessed by a woman even in cases other than those referred to in the first paragraph.²⁰⁰

Body searches and body inspections examined by female staff on male detainees should be avoided to the extent possible. A body search or a body inspection of a male detainee performed or witnessed by a woman may be necessary when there are no male staff

¹⁹⁹ If it is necessary for security reasons, a detainee may also in cases other than those referred to in sections 2 and 3, be subjected to a body search in order to search for weapons or other dangerous subjects.

²⁰⁰ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 4, section 7; and Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 8, section 7.

available. It may also be necessary in situations where the body search or body inspection needs to be performed immediately and cannot be postponed until male personnel are on site to perform the operation.²⁰¹

b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?

Remand Prisons and Prisons

In Prisons and Remand Prisons, a detainee may not be placed together with detainees of the opposite sex. Women are generally placed in some of Sweden's six Prisons for women.²⁰² However, a detainee may be permitted to stay together with a detainee of the opposite sex if this is appropriate and the detainees consent to it.²⁰³

Remand Prisons

Placing a man and a woman in the same cell is only relevant if they are related.²⁰⁴

If a detainee can not be placed in a detention ward where only detainees of the same sex are accommodated, measures should be taken to avoid that the detainee is accommodated completely alone.²⁰⁵

Prisons

A female detainee in a Prison may not submit a urine sample in the presence of someone of the opposite sex who is not a doctor or a registered nurse.²⁰⁶

c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

Remand Prisons and Prisons

According to SPPS regulations and general advice, a detainee in Remand Prisons or Prisons must be provided with basic items for personal hygiene. Basic articles for personal hygiene includes sanitary articles for menstruation. Such articles should be provided for normal levels of consumption.²⁰⁷

²⁰¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendations on chapter 8 section 7 Prisons Act.

²⁰¹ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, general recommendations on chapter 4, section 7 Remand Prisons Act.

²⁰² Sweden, Prison and Probation Services (*Kriminalvården*), [Official website](#).

²⁰³ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 2; and Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 2, section 2.

²⁰⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, general recommendations on chapter 2, section 1 Remand Prisons Act.

²⁰⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, general recommendations on chapter 2, section 2 Remand Prisons Act.

²⁰⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendations on chapter 11 section 22.

²⁰⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendations on chapter 1 section 13; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 13.

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?

Remand Prisons and Prisons

The national standards for special healthcare are outlined in section 5d) above. These standards are gender neutral.

If a detainee is pregnant in a Remand Prison or Prison, SPPS must ensure that the detainee receives maternity care. If a detainee is expected to give birth during the placement in a Remand Prison or Prison, SPPS shall contact the social services in the home municipality. Birth planning must be done in consultation with the maternity clinic. Special emphasis must be placed on the fact that the planning is individually designed based on a risk assessment and the circumstances in the individual case. SPPS shall decide what information can be provided to the detainee before the birth, based on the risk assessment. The point of departure is that the detainee should feel safe before giving birth and be given all the information unless security reasons justify another position. If the safety assessment allows it, and it is practically possible, the detainee should be able to bring a close relative with her during the birth. If the detainee wishes to keep the child in a Remand Prison or Prison after the birth, this should be investigated and decided before giving birth.²⁰⁸

Children accompanying their parents or guardians in Remand Prisons and Prisons must be able to maintain contact with the child care center and be able to benefit from the same services as other children in society. The Remand Prison or Prison must, in consultation with the relevant child care center, establish a plan for contact during the sentence period.²⁰⁹

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

Remand Prisons and Prisons

In Remand Prisons and Prisons, a detainee may be granted permission to have his/her infant with him/her, if it can be considered to be in the best interests of the child.²¹⁰ A permit for a detainee to have their infant with them may only be granted after an opinion has been obtained from the Social Welfare Board (*Socialnämnden*).²¹¹ This right accordingly applies to both women and men.

²⁰⁸ Sweden, SPPS (*Kriminalvården*) (2018) SPPS's handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons (*Kriminalvårdens handbok om medföljande barn och gravida klienter i anstalt och häkte*), (2018:5) pp. 8-9, no URL link available.

²⁰⁹ Sweden, SPPS (*Kriminalvården*) (2018) SPPS's handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons (*Kriminalvårdens handbok om medföljande barn och gravida klienter i anstalt och häkte*), (2018:5) p. 12, no URL link available.

²¹⁰ Sweden, [Remand Prisons Act \(Häkteslag \[2010:611\]\)](#), 10 June 2010, chapter 2, section 4; and Sweden, [Prisons Act \(Fängselag \[2010:610\]\)](#), 10 June 2010, chapter 2, section 5.

²¹¹ Sweden, [Ordinance on Remand Prisons \(Häktesförordning \[2010:2011\]\)](#), 22 December 2010, section 6; and Sweden, [Ordinance on Prisons \(Fängselförordning \[2010:2010\]\)](#), 22 December 2010, section 11.

A detainee who is granted permission to have his or her infant with him / her must be provided with the necessary equipment and given such housing and employment conditions that enable the child to be cared for.²¹²

The following shall be provided by SPPS:

- **Furniture:** SPPS must ensure that a cot, high chair and changing table are available during the time in Prison/Remand Prison.
- **Child car seat:** SPPS must ensure that age-appropriate and approved child car seats are available when children are to be transported in SPPS's cars.
- **Consumables:** SPPS pays for necessary consumables such as food, bedding, nappies, baby bottles, pacifiers, hygiene items. Clothes and any other equipment in addition to consumables must be paid for by the parent. All holdings of personal belongings that are intended to be used on behalf of the child shall be handled as other holding issues and decided on in the usual order.²¹³
- **Food:** For children over 6 months, SPPS must set aside the usual daily cost for food. It enables the purchase of food through the institution's regular purchasing channels. The institution normally pays for other purchases, such as gruel, porridge powder, milk substitutes, baby food jars etc.
- **Environment:** SPPS is responsible for adapting and creating a child-safe environment, based on the child's conditions.²¹⁴

Before an infant is separated from a detainee, the Social Welfare Board shall be consulted.²¹⁵

Remand Prisons

Allowing a detainee to have his or her infant in Remand Prison can be considered to be in the best interest of the child, e.g. when no other suitable placement of the child has been arranged or when the child is born in the Remand Prison.²¹⁶

²¹² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, general recommendation on chapter 2, section 5, Prisons Act; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, general recommendations on chapter 2, section 4 Remand Prisons Act.

²¹³ Sweden, [Prisons Act \(*Fängelselag \[2010:610\]*\)](#), 10 June 2010, chapter 5 section 1 paragraph 2; and Sweden, [Remand Prisons Act \(*Häkteslag \[2010:611\]*\)](#), 10 June 2010, chapter 2, section 11.

²¹⁴ Sweden, SPPS (*Kriminalvården*) (2018) SPPS's handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons (*Kriminalvårdens handbok om medföljande barn och gravida klienter i anstalt och häkte*), (2018:5) pp. 13-14, no URL link available.

²¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]*\)](#), 10 January 2010, general recommendation on chapter 2, section 5, Prisons Act; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, general recommendations on chapter 2, section 4 Remand Prisons Act.

²¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(*Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]*\)](#), 10 January 2011, general recommendations on chapter 2, section 4 Remand Prisons Act.

Prisons

Allowing a detainee to have his or her infant with them in Prison can be considered to be in the best interest of the child, e.g. when the detainee's remaining period of execution is short or deportation or removal of the detainee is imminent and there is no more suitable placement for the child.²¹⁷

In Prisons, SPPS must provide a pram to detainees accompanied by a child.²¹⁸

- f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes. In practice however, it has so far only been women who have been accompanied by infants. All women's facilities have at various stages received women with accompanying infants/children. There are no specifically adapted wards for pregnant detainees and detainees with accompanying children at SPPS institutions. However, the agency tries to place these detainees in calmer wards and in larger cells. No similar adjustments are reported for prisons for men.²¹⁹

- g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

See chapter 1f) above.

- h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There are no relevant recommendations available from the NPM or CPT reports during the reference period.

9. Nutrition

- a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

Remand Prisons and Prison

²¹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, general recommendation on chapter 2, section 5, Prisons Act.

²¹⁸ Sweden, SPPS (*Kriminalvården*) (2018) SPPS's handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons (*Kriminalvårdens handbok om medföljande barn och gravida klienter i anstalt och häkte*), (2018:5), p. 13, no URL link available.

²¹⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) [Initiative regarding the situation for detainees in Prisons with accompanying children and for pregnant detainees in Prisons \(Initiativ angående situationen för intagna i anstalt med medföljande barn samt för gravida intagna i anstalt\)](#), 1089-2016, 17 November 2017.

A detainee has the right to receive food that is adapted to his or her medical needs.²²⁰

According to SPPS, the agency must serve a diet that corresponds to the National Food Administration's recommendations regarding nutrient content and composition. The National Food Administration is based on the Nordic Nutrition Recommendations (NNR2012). NNR2012 are the officially adopted and valid recommendations used in Sweden.²²¹

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

Remand Prisons and Prisons

A detainee has the right to receive food at normal mealtimes. However, the detainee should be given the opportunity to eat his or her meals at times that are tailored to his or her medical needs or religion.²²²

Remand Prisons

SPPS regulations and general advice about Remand Prisons states that a detainee has the right, under his or her free time, to prepare a hot drink, if it does not endanger order or safety.²²³

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

Remand Prisons and Prisons

As stated in section 9a above, a detainee has the right to receive food that is adapted to his or her medical needs. To the extent possible, the detainee's religion must also be taken into account. However, a detainee always has the right to receive vegetarian food.²²⁴

According to SPPS, the meals must take into account and be adapted to the extent that detainees with diabetes and / or lactose intolerance can eat the meals served without major changes in their daily diet.²²⁵

²²⁰ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 12, paragraph 1. SPPS regulations and general advice about Prisons clarify that the term “food” refers to both cooked food and food for consumption without cooking, see chapter 1, section 12, general advice. See also; Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 12, paragraph 1.

²²¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

²²² Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 12, paragraph 2; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 12, paragraph 2.

²²³ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 12, paragraph 3.

²²⁴ Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Prisons \(Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]\)](#), 10 January 2010, chapter 1, section 12, paragraph 1; and Sweden, Prison and Probation Services (*Kriminalvården*), [SPPS regulations and general advice about Remand Prisons \(Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]\)](#), 10 January 2011, chapter 1, section 12, paragraph 1.

²²⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards with regard to nutrition for the different detention regimes.

As stated in section 9a above, according to SPPS, the agency must - regardless of regime - serve a diet that corresponds to the National Food Administration's recommendations regarding nutrient content and composition. The National Food Administration is based on the Nordic Nutrition Recommendations (NNR2012). NNR2012 are the officially adopted and valid recommendations used in Sweden. The meals must take into account and be adapted to the extent that detainees with diabetes and / or lactose intolerance can eat the meals served without major changes in their daily diet.²²⁶

According to SPPS, nutritional recommendations are not the same as dietary advice. Dietary advice shows how to eat to get the amount of vitamins, minerals, protein, fat and carbohydrates recommended in the nutritional recommendations. Excluding a component or an entire meal from time to time does not pose a danger from a nutritional point of view over a longer period.²²⁷

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

See chapter 1f) above.

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There are no recommendations available from the NPM or CPT reports during the reference period.

²²⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

²²⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 19 October 2021.

Part II: National jurisprudence

No relevant national jurisprudence within the reference period.