

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

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Part I: National standards

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 laws and regulations. Most of the national standards for Prisons are regulated in the Prisons Act (*Fängelselag [2010:610]*), the Ordinance on Prisons (*Fängelseförordning [2010:2010]*) and the SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*). For Remand Prisons, most of the national standards are regulated in the Remand Prisons Act (*Häkteslag [2010:611]*), the Ordinance on Remand Prisons (*Häktesförordning [2010:2011]*) and the SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*).

1. Cells

a. Cell space

Remand Prisons and Police Cells

According to section 2 of the Ordinance on the Design of Remand Prisons and Police Cells (*Förordning [2014:1108] om utformningen av häkten och polisarrester*), a Remand Prison cell and a Police Cell 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.¹ However, according to section 5, a Police Cell may deviate from the requirements of section 2, in terms of floor space, cubic content and room height by a maximum of five per cent.² Section 5 (a) states that cells that are used for a short period of time in connection with a detainee entering or leaving the Remand Prison may also derogate from the requirements in section 2.³

According to chapter 1, section 2 of the Remand Prisons Act, 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, two detainees can be placed in so-called double occupancy.

Prisons

There are no corresponding regulations in law for cell space in Prisons as there are for Remand Prisons.⁵ However, SPPS's instructions for occupancy of more than one detainee in the same cell include some provisions on cell space in Prisons, see below.

Double occupancy in Remand Prisons and Prisons

¹ 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.

² Sweden, Ordinance on the design of remand prisons and police cells ([Förordning \(2014:1108\) om utformningen av häkten och polisarrester](#)), 11 September 2014, section 5.

³ Sweden, Ordinance on the design of remand prisons and police cells ([Förordning \(2014:1108\) om utformningen av häkten och polisarrester](#)), 1 November 2023, section 5 a.

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.

On 22 April 2024, SPPS decided on special instructions regulating the placement of more than one detainee in the same cell in Remand Prisons and Prisons.⁶ Due to the current overpopulation in Remand Prisons and Prisons, the aim is to enable more detainees to be placed in double occupancy. The instructions regulate the size and design in cells used for double occupancy and refer to, inter alia, case law of the European Court of Human Rights and statements by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)⁷ regarding cell space in Prisons.⁸ According to the instructions, cells used for double occupancy must normally have a floor area of at least 8 square metres, excluding toilet space. However, in cases where there is no access to cells with a floor area of at least 8 square meters, double occupancy can also take place in cells with a floor area of 6–8 square metres, excluding toilet space. This means that the SPPS's instructions regulating the placement of more than one detainee in the same cell in Remand Prisons and Prisons observes the calculation requirements by CJEU and the Commission recommendation of 8.12.2022. The cubic content of the cell must be at least 15 cubic metres and the room height must be at least 2.40 metres. The instructions refer to section 2 and 3 of the Ordinance on the Design of Remand Prisons and Police Cells mentioned above, which also includes additional requirements for how the cell must be designed and equipped, see part 1 (b) below.⁹

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

Remand Prisons and Police Cells

According to section 2 of 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 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.¹⁰ Section 3 states that the cell must be appropriately equipped for the needs of the detainee. The cell must have a chair, a table, a bed and a space for storing of belongings.¹¹ The cell must have a signalling device that allows detainees to get in touch with staff.¹² In connection with¹³ the room there must be a sink and toilet. Cells used for intoxicated, violent or sick persons may have other suitable

⁶ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024.

⁷ Council of Europe (CoE), European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf (2015) 44, Living space per prisoner in prison establishments: CPT standards, 15 December 2015.

⁸ See for example: Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, p. 6 and 8.

⁹ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, p. 8.

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 2.

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 3.

¹² The requirement of a signaling device is also regulated in SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), chapter 1, section 18.

¹³ The meaning of “in connection with” has not been defined, see clarification below.

furnishings. The interior of a cell must, if possible, be designed and equipped with such protective devices that the detainee cannot injure himself or herself or anyone else.¹⁴

According to section 2 of the Ordinance on the Design of Remand Prisons and Police Cells, a Police Cell that is not used permanently may deviate from the requirements of section 2 with regard to design and certain equipment. This applies if there are special reasons with regard to temporary needs.¹⁵

According to chapter 1, section 17 of SPPS regulations and general advice on Remand Prisons, a detainee's cell must also be equipped with a bed equipment, a mirror, a notice board, a mug, an alarm clock, a radio, a TV and a device that enables the person to regulate the influx of daylight.¹⁶ 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 cells 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.¹⁷

Prisons

According to chapter 1, section 17 of SPPS regulations and general advice on Prisons, 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. 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.¹⁸ 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.¹⁹

¹⁴ 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.

¹⁵ 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.

¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 17.

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

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

¹⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 17.

According to chapter 1, section 18 of SPPS regulations and general advice on Prisons, the cell must have a signal device for communication with the staff, in an institution where the detainees are locked in their cells overnight. In other facilities, there should be such a device at each unit.²⁰

Double occupancy in Remand Prisons and Prisons

The SPPS's instructions for occupancy of more than one detainee in the same cell mentioned above outline that, in the case of double occupancy in cells that are 6-8 square meters, the total room area must be large enough to allow for unhindered movement between furniture.²¹ Here, the instructions refer to the case-law of the European Court of Human Rights stating that the lack of sufficient personal space in a cell may, in certain cases, amount to torture in Article 3 of the ECHR. Thus, each detainee must have a personal sleeping place in the cell and be able to dispose of at least 3 square meters of floor space. The total cell area must also be large enough to enable the detainee to move unhindered between furniture. The cell must therefore be equipped with a bunk bed.²²

c. Video-surveillance of cells

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 [2018:1177]*)²³, Video Surveillance Act (*Kamerabevakningslag [2018:1200]*)²⁴ and the 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*).²⁵ 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.²⁶ According to SPPS regulations and general advice on Prisons and Remand Prisons, the detainee must be informed about the facilities, including information about the Prison's and Remand Prison's use of video-surveillance.²⁷

²⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 1, section 18.

²¹ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, p. 6.

²² Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, p. 6.

²³ Sweden, Criminal Data Act (*Brottsdatalag [2018:1177]*), 20 June 2018.

²⁴ Sweden, Camera Surveillance Act (*Kamerabevakningslag [2018:1200]*), 20 June 2018.

²⁵ 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.

²⁶ Sweden, [Swedish Parliamentary Ombudsman \(Riksdagens ombudsman\) Report from the OPCAT unit 2018 \(Rapport från OPCAT enheten 2018\)](#), 2018, p. 34.

²⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on 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.²⁸ According to SPPS, video surveillance is only used in cells where detainees can be placed in solitary confinement,²⁹ according to established practice.³⁰ In these cases the detainees must be informed about the use of video surveillance.³¹

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).³² If there is a risk of self-harming behaviour, 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.³³ According to SPPS, the use of video surveillance may be appropriate in cases where a decision on such 15-minute supervision has been taken.³⁴

The use of video surveillance has been addressed by the Parliamentary Ombudsman (*Justitieombudsmannen, JO*) 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.³⁵

d. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: [...] Häktet Huddinge hyr sedan april 2020 Polismyndighetens arrestlokal i Nacka Strand och har 18 platser där för häktade med restriktioner, avdelningen Nacka. [...] Även häktet Malmö

²⁸ 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, sections 4 and 6.

²⁹ For the purpose of this report, the term solitary confinement is used for “confinement of prisoners for 22 hours or more a day without meaningful human contact” as defined by the Nelson Mandela Rules and the European Prison Rules, see part 6 (a) below.

³⁰ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

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

³² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³³ 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.

³⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³⁵ 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.

hyr sedan februari 2020 lokaler av Polismyndigheten, en korridor med 22 platser för häktade med restriktioner, röd avdelning.

[...]

Båda avdelningarnas lokaler ligger – till skillnad från vad som regelmässigt brukar vara fallet med häkten – i gatuplan vilket begränsar möjligheten för intagna att se ut och få in ljus. Vid inspektionerna ifrågasatte både intagna och personal om det verkligen kunde beskrivas som en utomhusvistelse att befinna sig på rastgårdarna. JO uttalade att det bör betecknas som en grundläggande rättighet för intagna att placeras i en cell där det är möjligt att få in dagsljus som är normalt för årstiden, och att intagna på egen hand kan reglera in ödet av dagsljus i en cell. Det bör även ses som en grundläggande rättighet för den intagne att kunna betrakta sin omgivning från en rastgård.³⁶

[...] Since April 2020, the Huddinge remand prison has rented the Police Authority's custody facility in Nacka Strand and has 18 beds there for remand prisoners with restrictions, the Nacka department. [...] Since February 2020, the Malmö remand prison has also rent premises from the Police Authority, a corridor with 22 beds for remand prisoners with restrictions, Red department.

[...]

The premises of both departments are – unlike what is usually the case with remand prisons – on street level, which limits the ability for the inmates to look out the window and to get incoming natural light in the cells. During the inspections, both inmates and staff questioned whether being in the exercise yards could really be described as being outdoors. The Parliamentary Ombudsman stated that it should be regarded as a fundamental right for inmates to be placed in a cell where it is possible to get normal seasonal daylight, and that inmates can regulate the flow of daylight into a cell themselves. It should also be considered a fundamental right for the inmate to be able to observe their surroundings from an exercise yard.

National language: Efter inspektionerna uttalade JO sammanfattningsvis att det är oacceptabelt att den ansträngda beläggningssituationen i häkten och anstalter leder till att Kriminalvården bedriver häktesverksamhet i bristfälliga lokaler. Det är också något som Kriminalvården tidigare fått kritik för.³⁷

Following the inspections, the Parliamentary Ombudsman concluded that it is unacceptable that the strained occupancy situation in remand prisons and prisons leads to the Prison and Probation Service conducting correctional services in inadequate premises. This is also something that the Prison and Probation Service has previously been criticised for.

National language: När det gällde storleken på celler vid dubbelbeläggning hänvisade JO till att Europarådets kommitté mot tortyr (CPT) i en standard som gäller boendetrymmen för intagna, har angett att en cell där två intagna placeras bör ha en golvyta på minst tio kvadratmeter exklusive sanitetstutrymme. Om cellen är utrustad med toalett ska den vara avdelad från den övriga boytan från

³⁶ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 36-37. Original Footnote: See for example Parliamentary Ombudsman 2016/17 p. 198.

³⁷ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 38. Original footnote: See JO's protocol in number 582-2017 and JO 2019/20 s.203.

golv till tak. I de fall toalett och handfat inte finns i cellen ska det säkerställas att den intagnes tillgång till sådana faciliteter kan ske skyndsamt.

Vid inspektionerna konstaterades att cellstorleken varierar, men att de celler som användes vid placering av två intagna var minst åtta kvadratmeter. JO uttalade att vid dubbelbeläggning i såväl häkte som anstalt bör endast celler som har en golvyta om minst tio kvadratmeter exklusive toalett komma i fråga. Det noterades att de häkten som nu är i bruk i allt väsentligt har celler som är avsedda för en intagen. I de fall intagna i häkte och anstalt delar celler med en golvyta som understiger tio kvadratmeter (exklusive toalettutrymme) bör det enligt JO:s mening bara förekomma i undantagsfall, och endast för en ytterst begränsad period efter bedömning i det enskilda fallet.

Vidare pekade JO på att den svenska regleringen utgår från att en intagen i häkte normalt har ett intresse av att placeras i en egen cell. Den utgångspunkten bör enligt JO gälla även fortsättningsvis och hon hänvisar till att en intagen i häkte normalt har behov av ett eget utrymme, om inte annat så åtminstone för nattvila. Vidare uttalade JO att Kriminalvården har ett ansvar att följa upp och dokumentera hur det fungerar för intagna att dela cell. Det är enligt JO inte acceptabelt att intagna delar cell i era veckor, utan tiden som en intagen delar cell bör begränsas.

En cell som ska användas för dubbelbeläggning måste vara utrustad för två intagna. Det är enligt JO inte acceptabelt att intagna sover på madrasser som placeras på golvet eller i tälotsängar, och inte heller att de måste inta måltider sittande i sin säng. Om de intagna inte får likvärdiga förutsättningar när de delar cell torde det dessutom öka risken för konflikter. JO menade att de uppgifter om de problem som intagna upplevt med att behöva dela på en toalett utan dörr, understryker de svårigheter som kan uppstå vid dubbelbeläggning och att det måste beskrivas som ovärdigt för bägge intagna att behöva befinna sig inom den begränsade yta som en cell utgör, när en av dem använder ett toalettutrymme utan ordentlig dörr. Det är enligt JO rimligt att intagna ges möjlighet att använda en annan toalett än den som finns i cellen om de önskar det. För att sådana påringningar ska kunna besvaras inom en godtagbar tid är det nödvändigt att tillräckligt med personal tjänstgör dygnet runt.³⁸

Regarding the size of cells in double occupancy, the Parliamentary Ombudsman referred to the fact that the European Committee for the Prevention of Torture (CPT), in a standard concerning living spaces for inmates, has stated that a cell in which two inmates are placed should have a floor area of at least ten square metres, excluding sanitary facilities. If the cell is equipped with a toilet, it must be separated from the rest of the living space from floor to ceiling. In cases where there is no toilet or sink in the cell, it must be ensured that the inmate has prompt access to such facilities.

During the inspections, it was found that cell size varies, but that the cells used for the placement of two inmates were at least eight square meters. The Parliamentary Ombudsman stated that in the event of double occupancy in both remand prison and prison, only cells that have a floor area of at least ten square metres, excluding toilets, should be considered. It was noted that the remand prisons currently in use, in essence, have cells intended for an inmate. In cases where inmates in remand prison and prison share cells with a floor area of less than ten square metres (excluding toilet space), this should, in the

³⁸ Sweden, Parliamentary Ombudsman (Justitiebudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 45-46.

opinion of the Parliamentary Ombudsman, only occur in exceptional cases, and only for an extremely limited period after assessment in the individual case.

Furthermore, the Parliamentary Ombudsman pointed out that the Swedish regulation is based on the assumption that an inmate in remand prison normally has an interest in being placed in their own cell. According to the Parliamentary Ombudsman, this starting point should continue to apply and she refers to the fact that an inmate in remand prison normally needs their own space, if for no other reason than a nightly rest period. Furthermore, the Parliamentary Ombudsman stated that the Prison and Probation Service has a responsibility to follow up and document how sharing a cell works for inmates. According to the Parliamentary Ombudsman, it is not acceptable for inmates to share a cell for several weeks. The time that an inmate shares a cell should be limited.

A cell to be used for double occupancy must be equipped for two inmates. According to the Parliamentary Ombudsman, it is not acceptable for inmates to sleep on mattresses placed on the floor or in cots, nor for them to have meals sitting in their bed. In addition, if the inmates are not given equal opportunities when they share a cell, this is likely to increase the risk of conflicts. According to the Parliamentary Ombudsman, the information about the problems experienced by inmates in having to share a toilet without a door underscores the difficulties that can arise in case of double occupancy and that it must be described as undignified for both inmates to have to be within the limited space of a cell when one of them uses a toilet without a proper door. According to the Parliamentary Ombudsman, it is reasonable for inmates to be given the opportunity to use another toilet than the one in the cell if they so wish. In order for such calls to be answered within an acceptable time, it is necessary that a sufficient number of personnel are on duty around the clock.

Police Authority

National language: [...] Vid inspektionen av arresten Borås kom det fram att flera av cellerna i arresten hade fönster med helfrostat glas. Förutom att det därmed var omöjligt att se ut genom fönstren medförde det frostade glaset att det rådde ett halvdunkel i cellerna även under dagtid. Samtliga fönster saknade även persienner eller liknande anordning, vilket innebar att de intagna inte kunde reglera inflödet av ljus när de skulle sova. Vidare fanns det utrymmen mellan den fasta inredningen och väggen i anhållningscellerna som gjorde det möjligt för en intagen att fästa t.ex. en snara och på så sätt försöka skada sig själv. Vid inspektionen kom det fram att det fanns långtgående planer på att uppföra ett nytt polishus i Borås med arrest.

Efter inspektionen uttalade JO att det sannolikt dröjer ett antal år innan det finns en ny arrest, och att Polismyndigheten i avvaktan på det bör vidta åtgärder för att förbättra miljön i den nuvarande arresten. Förutom att förändra cellfönstren, bör myndigheten enligt JO även överväga att vidta åtgärder med bl.a. farliga inredningsdetaljer i cellerna.³⁹ [...]

[...] During the inspection of the police custody facility in Borås, it was discovered that several of the cells in the police custody facility had windows with fully frosted glass. In addition to the fact that it was impossible to see out of the windows, the frosted glass meant that there was a semi-darkness in the cells

³⁹ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 23. Original footnote: See JO's protocol in number O 1-2020.

even during the daytime. All windows also lacked blinds or similar devices, which meant that the inmates could not regulate the inflow of natural light when they were going to sleep. In addition, there were spaces between the fixtures and the wall of the holding cells which made it possible for an inmate to fasten, for example, a noose and thus try to harm themselves. During the inspection, it emerged that there were far-reaching plans to build a new police station in Borås with a police custody facility.

Following the inspection, the Parliamentary Ombudsman stated that it will probably be a number of years before there is a new police custody facility, and that, in the meantime, the Police Authority should take measures to improve the environment in the current police custody facility. In addition to changing the cell windows, the authority should, according to the Parliamentary Ombudsman, also consider acting on, inter alia, dangerous interior fittings in the cells. [...]

National language: Vid inspektionen av arresten Västberga observerades två s.k. väntarrestar placerade i anslutning till arrestens utrymme för inskrivning. Väntarresterna är fönsterlösa utrymnen med en golvyta på ca en kvadratmeter. Ungefär hälften av golvytan upptas av en bänk. I samtal med personal kom det fram att det hade förekommit att personer låstes in i väntarresterna för kortare perioder. Det lämnades dock inte några entydiga svar om i vilka situationer väntarresterna kunde komma till användning.

Efter inspektionen uttalade JO en förståelse för att det i vissa situationer kan finnas behov av att placera en frihetsberövad person i en väntarrest en kortare stund. JO framhöll att en placering i en väntarrest bör ha stöd i författning och konstaterade att en sådan reglering saknas. En kopia av protokollet överlämnades därför till Regeringskansliet för kännedom.⁴⁰

During the inspection of the police custody facility in Västberga, two so called holding cubicles were observed, located adjacent to the police custody facility's area for registration. The holding cubicles were windowless spaces with a floor area of about one square metre. About half of the floor area was occupied by a bench. In conversations with staff, it emerged that there had been cases of people being locked up in the holding cubicles for short periods. However, no clear answers were given as to which situations would prompt the use of the holding cubicles.

Following the inspection, the Parliamentary Ombudsman expressed an understanding that there may be a need for placing an individual deprived of their liberty in a holding cubicle for a short period of time in certain situations. The Parliamentary Ombudsman pointed out that a placement in a holding cubicle should be supported by law and noted that there is no such regulation. A copy of the report was therefore submitted to the Government Offices for information.

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2022, published 2024, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2022 \(jo.se\)](#).

⁴⁰ Sweden, Parliamentary Ombudsman (Justitieombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 23. Original footnote: See JO's protocol in number O 21-2021.

National language: Kriminalvården har sedan flera år en ansträngd beläggningssituation, vilket har lett till en överbeläggning i förhållande till tillgängliga platser. JO har i flera beslut uppmärksammat de negativa konsekvenser som detta får för intagna i häkte och anstalt.⁴¹

The Swedish Prison and Probation Service has had a strained occupancy situation for several years, which has led to an overcrowding in relation to available places. In several decisions, the Parliamentary Ombudsman has drawn attention to the negative consequences this has for detainees in remand prisons and prisons.

National language: Kriminalvården har sedan flera år en ansträngd beläggningssituation, vilket har lett till en överbeläggning i förhållande till tillgängliga platser. JO har i flera beslut uppmärksammat de negativa konsekvenser som detta får för intagna i häkte och anstalt. I tidigare beslut har JO konstaterat att myndigheten har ett ansvar inte bara för att frihetsberövanden verkställs under trygga och säkra förhållanden utan också för att upprätthålla de intagnas rättigheter. Det är inte acceptabelt att bristande resurser medför inskränkningar i dessa avseenden. Vidare har JO uttalat sig om förutsättningarna för dubbelbeläggning och vilka krav som bör ställas på de fysiska förhållandena när två intagna delar cell.⁴²

Vid inspektionen av häktet Luleå var sju celler dubbelbelagda och intagna var också placerade i de två besöksrummen. I samtal kom det fram att flera av de intagna var negativt inställda till att dela cell. De gav inte någon samstämmig bild av om personalen frågat om de önskade detta eller inte. Vissa intagna menade också att personalen inte frågar hur dubbelbeläggningen fungerar. Personalen och ledningen uppgav å sin sida att ingen har tvingats till att dela cell och att situationen följs upp med de intagna. Det kom också fram att vissa intagna som delade cell ångrade att de hade begärt samsittning eftersom det lett till denna placering.

Efter inspektion hänvisade JO till sina tidigare uttalanden om att tiden intagna blir föremål för dubbelbeläggning måste begränsas och att dessa intagna måste erbjudas en enkelcell när en sådan blir ledig. Det är i linje med utgångspunkten i häkteslagen att en intagen har ett intresse av att placeras i en egen cell. Vidare pekade JO på att det är rimligt att det i första hand är intagna som samtycker till att dela cell som får göra det. Det är självklart att en intagen alltid ska tillfrågas innan han eller hon placeras ihop med någon annan. Personalen måste också löpande följa upp hur dubbelbeläggningen fungerar. JO framhöll även att det är allvarligt om en intagen avstår från samsittning för att inte riskera dubbelbeläggning, inte minst då det kan leda till att han eller hon blir isolerad. Det är därför viktigt att det alltid görs en individuell bedömning av lämpligheten i att två intagna delar cell. Samsittning bör enligt JO inte automatiskt medföra dubbelbeläggning eller innebära en sådan förväntan på den enskilde.⁴³

For several years, the Prison and Probation Service has had a strained occupancy situation, which has led to overcrowding in relation to available places. In several decisions, the Parliamentary Ombudsman

⁴¹ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 26.

⁴² Original footnote: See JO 2021/22 p. 261.

⁴³ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, pp. 26-27.

has drawn attention to the negative consequences that this has for inmates in remand prisons and prisons. In previous decisions, the Parliamentary Ombudsman has stated that the authority has a responsibility not only to ensure that deprivations of liberty are carried out in safe and secure conditions, but also to uphold the rights of the inmates. It is not acceptable that a lack of resources leads to restrictions in these respects. Furthermore, the Parliamentary Ombudsman has commented on the conditions for double occupancy and the requirements that should be imposed on the physical conditions when two inmates share a cell.

During the inspection of the remand prison in Luleå, seven cells were double-occupied, and inmates were also placed in the two visiting rooms. In conversations, it emerged that several of the inmates had a negative attitude towards sharing a cell. They did not give a consistent picture of whether the staff had asked whether they wanted this or not. Some inmates also said that the staff do not ask how the double occupancy works. The staff and management, for their part, stated that no one has been forced to share a cell and that the situation is being followed up with the inmates. It also emerged that some inmates who shared a cell regretted that they had requested to stay together with other detainees because it had led to this placement.

After inspection, the Parliamentary Ombudsman referred to its previous statements that the time inmates become subject to double occupancy must be limited and that these inmates must be offered a single cell when one becomes vacant. It is in line with the remand prisons act that an inmate has an interest in being placed in his or her own cell. Furthermore, the Parliamentary Ombudsman pointed out that it is reasonable that it is primarily inmates who agree to share the cell that may do so. It goes without saying that an inmate should always be asked before he or she is placed together with someone else. The staff must also continuously monitor how the double occupancy works. The Parliamentary Ombudsman also pointed out that it is serious if an inmate refrains from spending time together with another detainee in order not to risk double occupancy, not least because it may lead to him or her being isolated. It is therefore important that there is always an individual assessment of the suitability of two detainees sharing a cell. Spending time together should not, according to the Parliamentary Ombudsman, automatically result in double occupancy or imply such an expectation on the individual.

Police Authority

National language: Under 2022 inspekterades en arrest, arresten i Västerås. Inspektionen genomfördes på plats och var oanmäld.⁴⁴

[...]

Vid inspektionen framgick bl.a. att arrestlokalerna är gamla och att de, enligt Polismyndigheten, inte är optimala för arrestverksamhet. Cellerna var standardtrustade och försedda med fönster som medgav ljusinsläpp men det fanns ingen anordning att reglera ljusinsläppet med. Både polisanställda och arrestvakter menade att det finns problem med lyhörda celler och hög ljudnivå i arresten. Polismyndigheten har försökt att komma till rätta med dessa problem, bl.a. genom att installera ljudabsorberande plattor i taket i korridoren med cellerna.

⁴⁴ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 20. Original footnote: See JO's protocol in number O 14-2022.

Efter inspektionen konstaterade JO att de intagna, trots Polismyndighetens ansträngningar, fortsatt kan kommunicera med och störa varandra. JO uttalade att han är medveten om att det finns långtgående planer på att uppföra ett nytt polishus i Västerås men pekade på att det ändå dröjer ett antal år innan det finns en ny arrest. I avvaktan på det behöver Polismyndigheten söka lösningar för ljudmiljön i den nuvarande arresten. Problem med lyhörddhet kan, enligt JO, medföra en rad allvarliga konsekvenser. Det kan ha negativ påverkan på bl.a. de intagnas fysiska och psykiska hälsa samt på Polismyndighetens möjligheter att upprätthålla tryggheten och säkerheten för de intagna, restriktioner och sekretessen.⁴⁵

In 2022, one police custody facility was inspected, the custody facility in Västerås. The inspection was carried out on site and was unannounced.

[...]

The inspection revealed, among other things, that the custody facilities are old and that, according to the Police Authority, they are not optimal for custody operations. The cells were furnished with standard equipment and equipped with windows that allowed natural light, but there was no device to regulate the light inlet. Both police officers and custody guards said that there are problems with cells not being soundproof and high noise levels in the custody facilities. The Police Authority has tried to address these problems, for example by installing sound-absorbing tiles in the ceiling in the corridor with the cells.

After the inspection, the Parliamentary Ombudsman noted that, despite the efforts of the Police Authority, the detainees can continue to communicate with and disturb each other. The Parliamentary Ombudsman stated that he is aware that there are far-reaching plans to build a new police station in Västerås, but pointed out that it will still be a number of years before there is a new custody facility. In the meantime, the Police Authority needs to seek solutions for the sound environment in the current custody facility. Problems with cells not being soundproof can, according to the Parliamentary Ombudsman, lead to a number of serious consequences. This can have a negative impact on, among other things, the physical and mental health of the inmates, as well as on the ability of the Police Authority to maintain the safety and security of the inmates, restrictions and confidentiality.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols and decisions and reports.⁴⁶ In relation to assessment of cells, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of Remand Prisons, it is common that two persons share a cell of 8 square metres intended for one person.⁴⁷ The NPM also notes that one detainee sometime has to sleep on a mattress on the floor and that there may be only one chair and one lamp in the cell.⁴⁸ The NPM also notes that

⁴⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 20. Original footnote: See JO's protocol in number O 14-2022, compare with JO's statements on responsiveness in decisions and protocols with number 8978-2020, 2475-2021 and 1362-2021.

⁴⁶ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁴⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, p. 22.

⁴⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, p. 22.

spaces such as visiting rooms are used as cells.⁴⁹ The NPM also notes problems with ventilation and heating and that detainees temporarily had been paced in a cell without a window.⁵⁰

The NPM also refers to Protocol O 21-2023 where it notes that one of the detainees sharing a cell may have to sleep on mattresses on the floor and that the cell has only one TV.⁵¹ The NPM also notes that all detainees cannot themselves regulate intake of day light.⁵²

The NPM also refers to Protocol O 20-2022 where it notes that shared cells intended for one person are too small and one detainee sometimes has to sleep on a mattress on the floor and that there may be only one chair and other pieces of equipment in the cell.⁵³

The NPM also refers to Protocol O 23-2023 where it notes that some detainees cannot themselves regulate intake of day light, that graffiti is not regularly removed from walls and the lack of adequate sound insulation between cells and between cells and the corridor.⁵⁴

2. Allocation of detainees

a. Geographical allocation

Remand Prisons:

The Remand Prisons Act and the Ordinance on Remand Prisons do not contain any information on the geographical location of detainees. According to the SPPS general advice on placements in Remand Prisons, detainees should normally be placed in a Remand Prison located in, or near, the place where the legal proceedings are to take place. This applies unless placement in another Remand Prison is needed for security or occupancy reasons.⁵⁵

⁴⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number O19-2019, 22 April 2021, nu URL link available, p. 10.

⁵⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number O19-2019, 22 April 2021, nu URL link available, p. 22.

⁵¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 6.

⁵² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 4.

⁵³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, pp. 8-9.

⁵⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, p. 11.

⁵⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice on placements in Remand Prisons, chapter 2.

Prisons:

The Prisons Act, the Ordinance on Prisons and the SPPS regulations and general advice on Prisons do not contain any information on the geographical location of detainees.

b. Allocation within detention facilities

As stated in part 1 above, pre-trial detainees are placed in Remand Prisons and convicted detainees are placed in Prisons.

Remand Prisons

Swedish Remand Prisons are divided into association Remand Prisons, “regular” Remand Prisons, and high security Remand Prisons.⁵⁶ Association Remand Prisons, only admit detainees without restrictions, who are allowed to associate with other detainees during the day.⁵⁷ 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.⁵⁸ The majority of detainees in Remand Prisons and high security Remand Prisons have in the past been held separated from each other.⁵⁹ However, as mentioned in part 1 (a) above, in April 2024 SPPS decided on special instructions regulating the placement of more than one detainee in the same cell in Remand Prisons and Prisons⁶⁰ to enable more detainees to be placed in double occupancy.⁶¹ Even detainees with restrictions can be placed in double occupancy, following a decision from the prosecutor.⁶²

According to chapter 1, section 9 of the SPPS regulations general advice on Remand Prisons, a security assessment must be carried out immediately after a detainee has been placed in a Remand Prison and

⁵⁶ There are 5 high security Remand Prisons in Sweden.

⁵⁷ Sweden, Swedish Parliamentary Ombudsman (*Riksdagens ombudsman*) [Report from the OPCAT unit 2019 \(Rapport från OPCAT enheten 2019\)](#) 2019, p. 38.

⁵⁸ 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.

⁵⁹ Sweden, Swedish Parliamentary Ombudsman (*Riksdagens ombudsman*) [Report from the OPCAT unit 2019 \(Rapport från OPCAT enheten 2019\)](#) 2019, p. 84.

⁶⁰ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024.

⁶¹ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, p. 7 and 9.

⁶² Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, pp. 5 and 7.

must be established within three days.⁶³ The general advice states that the security assessment should identify the need for security measures based on, for example, the risk that the detainee: escapes or is released; use threats or violence; or is guilty of other serious misconduct.⁶⁴

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 level of security 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.⁶⁵

According to chapter 2, section 1 of the Prisons Act, detainees may not be placed in such a way that they are subjected to more intrusive supervision and control than is necessary to maintain order or security. In addition, decisions on placement must also take into account detainees' need for activities,⁶⁶ care and the planning of the release.⁶⁷ The SPPS general advice on chapter 2, section 1 of the Prisons Act states that a decision on placement must be preceded by an overall assessment in each individual case. This is to ensure that detainees are not placed under a higher or lower degree of supervision and control than is necessary for the maintenance of order or security. The degree of supervision and control is primarily determined by the security class of the Prison or ward.⁶⁸

Section 10 of the Ordinance on Prisons states that the assessment of the placement shall take into account the risk of escape, continued criminality, substance abuse and other misconduct as well as the need to avoid an inappropriate composition of detainees and to otherwise be able to carry out appropriate activities in Prison.⁶⁹ Chapter 2, section 1 of the SPPS regulations and general advice on Prisons regulates the aspects of the risk assessment outlined in section 10 of the Ordinance on Prisons. The aspects to be included in the risk assessment are:

1. the nature and extent of the detainee's past and current criminal record;
2. the outcome of past and ongoing enforcement;
3. the length of the sentence and the remaining period of enforcement;

⁶³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 9.

⁶⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 1, section 9.

⁶⁵ Sweden, Prison and Probation Services (*Kriminalvården*), Security classification ([Säkerhetsklass](#)), official webpage, accessed 16 April 2024.

⁶⁶ In Swedish "sysselsättning" see chapter 3, section 1 of the Prisons Act and chapter 2, section 6 of the Remand Prisons Act.

⁶⁷ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 2, section 1.

⁶⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 2, section 1 of the Prisons Act.

⁶⁹ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 10.

4. if the detainee is to be expelled or deported after release or has no connection with the country;
5. if the detainee is a member of or otherwise connected with a criminal network or serious organised crime; and
6. the detainee's personal circumstances, such as substance abuse or mental illness.⁷⁰

According to the SPPS general advice on section 10 of the Ordinance on Prisons, an inappropriate composition of detainees refers to cases where detainees are convicted in the same case or who are members of or otherwise linked to the same or rival criminal networks. It may also relate to cases where the detainee is at risk of being abused by another detainee or cases where the detainee is likely to influence another detainee to seriously disturb order or security.⁷¹

This means that first-time offenders are not necessarily separated from recidivists. Likewise, detainees sentenced for serious crimes are not necessarily distinguished from detainees sentenced for less serious offences.

c. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.⁷² In relation to allocation of detainees the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of remand prisons, it is not uncommon that a person who are held on remand have to stay in police arrest cells instead of being transferred to remand prison cells, due to shortage of places in remand prisons.⁷³ This is problematic as the standard for police arrest cells is lower.⁷⁴

⁷⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 2, section 1.

⁷¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, general advice to section 10, para 2 of the Ordinance on Prisons.

⁷² Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁷³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, no URL link available, p. 27.

⁷⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, no URL link available, p. 9.

The NPM also refers to Protocol O 21-2023 where it notes that spaces in police arrest cells with a very low standard, including so called drunk tanks, are used to detain persons held on remand for days.⁷⁵ Some of these spaces also entail isolation 23 out of 24 hours.⁷⁶

In a number of Protocols the NPM notes problems flowing from that SPPS has taken over the operations of the police arrest cells from the Police Authority. Such problems include person who are held on remand having to stay in police arrest cells,⁷⁷ unclear division of authority,⁷⁸ inability to uphold required secrecy⁷⁹, and unequal treatment depending on where a person is held in remand custody.⁸⁰

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)
 - a. Access to toilets

Remand Prisons and Prisons

⁷⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, pp. 5 and 11-12.

⁷⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, pp. 5 and 12.

⁷⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Prison and Probation Service, Karlstad Remand Prison, 23–25 November 2021 ([Opcat-inspektion av Kriminalvården, häktet Karlstad, den 23–25 november 2021](#)), reference number O 34-2021, p. 11; Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Police Region South, arrest cell Malmö, 6–8 October 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Syd, arresten Malmö, den 6–8 oktober 2021](#)), reference number O 27-2021, pp. 8-9.

⁷⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Prison and Probation Service, Karlstad Remand Prison, 23–25 November 2021 ([Opcat-inspektion av Kriminalvården, häktet Karlstad, den 23–25 november 2021](#)), reference number O 34-2021, pp. 12-14; Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Police Region South, arrest cell Malmö, 6–8 October 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Syd, arresten Malmö, den 6–8 oktober 2021](#)), reference number O 27-2021, p. 9; Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Bergslagen Police Region, Karlstad arrest cell on 23–25 November 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Bergslagen, arresten Karlstad den 23–25 november 2021](#)), reference number, O 33-2021, pp. 9-10.

⁷⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Prison and Probation Service, Karlstad Remand Prison, 23–25 November 2021 ([Opcat-inspektion av Kriminalvården, häktet Karlstad, den 23–25 november 2021](#)), reference number O 34-2021, pp. 1-16; Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Police Region South, arrest cell Malmö, 6–8 October 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Syd, arresten Malmö, den 6–8 oktober 2021](#)), reference number O 27-2021, p. 9-10; Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Bergslagen Police Region, Karlstad arrest cell on 23–25 November 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Bergslagen, arresten Karlstad den 23–25 november 2021](#)), reference number, O 33-2021, p. 10.

⁸⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Prison and Probation Service, Karlstad Remand Prison, 23–25 November 2021 ([Opcat-inspektion av Kriminalvården, häktet Karlstad, den 23–25 november 2021](#)), reference number O 34-2021, pp. 14-15.

According to the SPPS website, there are toilets in most cells in Prisons and Remand Prisons.⁸¹ 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.⁸² According to SPPS's instructions for occupancy of more than one detainee in the same space, SPPS must take into account whether the detainee has the opportunity to use the toilet separately, meaning that the toilet is separated from the rest of the room by a door. If the toilet does not have a door and a double-occupancy cell still needs to be used, a curtain may be used whilst a door is being installed.⁸³

Remand Prisons

According to section 3 of the Ordinance on the Design of Remand Prisons and Police Cells, the toilets should be "in connection with" the cell (according to SPPS, the phrase "in connection with" (*i anslutning till*) has never been defined in relation to toilets).⁸⁴ The cell must have a signalling device that allows the detainees to get in touch with staff.⁸⁵

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 with" the cells.⁸⁶

According to chapter 1, section 18 of SPPS regulations and general advice on Prisons, the cell must have a signalling device for communication with the staff in an institution where the detainees are locked in their cells overnight.⁸⁷

b. Access to showers and warm and running water

Remand Prisons and Prisons

⁸¹ Sweden, Prison and Probation Services (*Kriminalvården*), 123 Questions ([123 Frågor](#)), official webpage, accessed 10 June 2024.

⁸² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁸³ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, pp. 7 and 9.

⁸⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁸⁵ 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 signalling device is also regulated in SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 1, section 18.

⁸⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁸⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 18.

According to chapter 1, section 15 of the SPPS regulations and general advice on Prisons⁸⁸ and Remand Prisons,⁸⁹ a detainee must be given the opportunity to take care of their personal hygiene on a daily basis.

There are no regulations regarding how often a detainee is allowed to shower, neither if there is any possibility to shower in private. SPPS reports that detainees have access to shower facilities with running and warm water. Shower facilities are located in the wards in connection with the cells. There may also be shower facilities in connection with the location of certain activities in which the detainees participate, depending on the nature of the activity.⁹⁰ According to SPPS, showers in Prisons and Remand Prisons offer privacy to detainees.⁹¹

c. Access to sanitary products

Prisons and Remand Prisons

According to chapter 1, section 13 of the SPPS regulations and general advice on Prisons⁹² and Remand Prisons,⁹³ a detainee must be provided with beddings, towels and basic items for personal hygiene and, if the detainee so wishes, clothes and shoes. However, the equipment may be restricted if it is necessary to prevent the detainee from seriously injuring him/herself.

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.⁹⁴

d. Hygienic conditions in cells

Remand Prisons and Prisons

⁸⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 15.

⁸⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 15.

⁹⁰ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

⁹¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 13.

⁹³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13.

⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13, general advice; Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13, general advice.

Chapter 1, section 24 of the SPPS regulations and general advice on Prisons⁹⁵ states that a detainee must maintain good order in their accommodation and contribute to maintaining good order in common areas.⁹⁶ A corresponding provision is found in chapter 1, section 23 of the SPPS regulations and general advice on Remand Prisons.⁹⁷ 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.⁹⁸

According to chapter 1, section 14 of the SPPS regulations and general advice on Prisons⁹⁹ and Remand Prisons¹⁰⁰, clothing, beddings and towels shall be changed regularly based on general hygienic requirements. Such changes are not necessary if the detainee has the possibility do the laundry by him/herself.¹⁰¹

The general advice to chapter 1, section 13 on Prisons and Remand Prisons state that, in order not to obstruct searches, cause health hazards or otherwise jeopardise order or safety, the detainee should not normally be allowed to store more clothes, beddings and towels than needed between two laundry changes. If the detainee is able to wash his or her own clothes and towels, the permitted amount should be adjusted according to how often the detainee is able to wash.¹⁰²

e. NPM assessment

⁹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 24.

⁹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on 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 on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 23.

⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 23.

⁹⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 24, general advice. Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 23, general advice.

⁹⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 14.

¹⁰⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 14.

¹⁰¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on 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 on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 14.

¹⁰² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13, general advice; Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13, general advice.

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: [...] *I vissa celler på röd avdelning i Malmö är toaletten inte heller skild från den övriga cellen. Dessutom saknar mer än hälften av cellerna handfat, vilket gjorde att de intagna inte kunde tvätta händerna efter att ha uträttat sina behov.*

Efter inspektionerna konstaterade JO att de gamla arrestlokalerna inte är lämpade för häktesverksamhet. De fysiska förhållandena kan vara godtagbara om cellerna bara används för frihetsberövanden som normalt varar som mest i ett par dagar. Däremot är det ovärdigt att låta intagna vistas i celler med den standard som de båda avdelningarna har under längre tidsperioder.¹⁰³

[...] *In some cells in the Red department in Malmö, the toilet is also not separated from the rest of the cell. In addition, more than half of the cells do not have a sink, which meant that inmates were unable to wash their hands after defecating and urinating.*

Following the inspections, the Parliamentary Ombudsman concluded that the previous custody facilities are not suitable for remand prison operations. The physical conditions may be acceptable if the cells are only used for deprivation of liberty that usually only last for a few days. On the other hand, it is undignified to allow inmates to stay in cells of the standard of the two departments for long periods of time.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.¹⁰⁴ In relation to hygiene and sanitary conditions and access to toilets, showers and sanitary products, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of remand prisons, it is common that two persons share one cell with one toilet. As a rule, there is no door on this shared toilet.¹⁰⁵

The NPM also refers to Protocol O 21-2023 where it notes long waiting times for detainees to use the toilet in the evenings, leading to the use of washbasins in the cells for urination.¹⁰⁶

¹⁰³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 36.

¹⁰⁴ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

¹⁰⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, no URL link available, pp. 23 and 24.

¹⁰⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 10.

The NPM also refers to Protocol O 20-2022 where it notes that when two persons share one cell with one toilet, there is no door separating this shared toilet from the rest of the cell.¹⁰⁷ The same problem is noted in Protocol O 23-2023.¹⁰⁸

4. Nutrition

a. Quality and quantity of food

Remand Prisons and Prisons

According to chapter 1, section 12 of the SPPS regulations and general advice on Prisons¹⁰⁹ and Remand Prisons,¹¹⁰ a detainee has the right to receive food that is adapted to his or her medical needs. 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.¹¹¹

SPPS's handbook for kitchen and diet¹¹² regulates the diet of detainees. SPPS reports that the agency is obliged to maintain good food hygiene. The preparation of the food must take place in a way that the food never poses a risk to the health of the individual. This is ensured, amongst other ways, by regular internal monitoring. The agency is also responsible for meeting the detainees' need for a varied and nutritious diet. SPPS must serve a diet that corresponds to the Swedish Food Agency (*Livsmedelsverket*) recommendations regarding nutrient content and composition. The composition of the diet varies but over a longer period (at least one week), the recommendations cover the total nutritional requirements.¹¹³

b. Drinking water

¹⁰⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 9.

¹⁰⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, pp. 4 and 11.

¹⁰⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 12, paragraph 1. SPPS regulations and general advice on Prisons clarifies that the term “food” refers to both cooked food and food for consumption without cooking, see chapter 1, section 12, general advice.

¹¹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 12, paragraph 1.

¹¹¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on 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 on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 12, paragraph 2.

¹¹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS's handbook for kitchen and diet ([Kriminalvårdens handbok för kök och kost](#)), 2011:3.

¹¹³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

Remand Prisons and Prisons

SPPS reports that clean drinking water is available for the detainees. If there is no access to running water in the cell, it is possible for detainees to bring drinks into the cell during the time they are locked in their cell.¹¹⁴

c. Dietary requirements

Remand Prisons and Prisons

As stated in part 4 (a) above, a detainee has the right to receive food that is adapted to his or her medical needs. According to chapter 1, section 12 of the SPPS regulations and general advice on Prisons¹¹⁵ and Remand Prisons¹¹⁶, the detainee's religion must also be taken into account, to the extent possible. However, a detainee always has the right to receive vegetarian food.

According to SPPS, in addition to the Swedish Food Agency's recommendations, 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.¹¹⁷

SPPS shall provide three dietary alternatives; normal diet, adapted diet for religious reasons and vegetarian diet.¹¹⁸

d. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.¹¹⁹ The NPM does not refer to nutrition standards in relation to the protocols and decisions they refer to.

¹¹⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

¹¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 1, section 12, paragraph 1.

¹¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 1, section 12, paragraph 1.

¹¹⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

¹¹⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

¹¹⁹ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

5. Time spent outside the cell and outdoors

a. Time spent outdoors

Remand Prisons:

According to chapter 2, section 7 of the Remand Prisons Act, a detainee shall be given the opportunity to be outdoors at least one hour every day unless there are special reasons not to.¹²⁰ The SPPS regulations and general advice on Remand Prisons state that 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.¹²¹

Prisons:

According to chapter 4, section 1 of 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.¹²² The SPPS regulations and general advice on Prisons state that exceptional reasons can be found in, for example, the event of an unforeseen situation which makes it necessary to keep detainees separated from each other in accordance with the Prisons Act¹²³ and as a result there are no practical conditions for letting the detainees stay outdoors.¹²⁴

b. Time spent indoors

Remand Prisons:

According to chapter 2, section 1 of the Remand Prisons Act, the main rule in Remand Prisons is that detainees have the right to be placed in their own cells.¹²⁵ The same provision states that two or more detainees may be placed in the same cell, if it is necessary for capacity reasons or for some other special reason. The exceptions in the Remand Prisons Act thus allow for double occupancy in certain cases. As stated in parts 1 and 2 above, in April 2024 SPPS decided on special instructions regulating the placement of more than one detainee in the same cell in Remand Prisons and Prisons.¹²⁶ Even detainees with restrictions can be placed in double occupancy, following a decision from the prosecutor.¹²⁷ No

¹²⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 7.

¹²¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice on chapter 2, section 7 of the Remand Prisons Act.

¹²² Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 4, section 1.

¹²³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 5.

¹²⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice on chapter 4, section 1 of the Prisons Act.

¹²⁵ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 1.

¹²⁶ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024.

¹²⁷ Sweden, Swedish Prison and Probation Service (*Kriminalvården*), SPPS's instructions for occupancy of more than one detainee in the same space (*Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme*), 2024:4, 22 April 2024, pp. 5 and 7.

consent is required from the detainee for double occupancy to take place. A placement in double occupancy is distinct from being together with other detainees (association) which is regulated under chapter 2, section 5 of the Remand Prisons Act. According to this provision, 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.¹²⁸

Chapter 2, section 5 (a) of the Remand Prisons Act includes special provisions for the right of young detainees to associate,¹²⁹ see part 13 below.

The Remand Prisons Act also regulates the possibilities SPPS has to limit the detainees' contact with the surrounding world. Detainees held in Remand Prison may be subjected to restrictions regarding their right to stay in contact with the outside world, if there is a risk that they may remove evidence or otherwise complicate the ongoing investigation.¹³⁰ Restrictions of this kind may only be imposed if the detainee is subject to restrictions in accordance with Chapter 24, Section 5a of the Code of Judicial Procedure (*Rättegångsbalk [1942:740]*).¹³¹ 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.¹³² See part 6 below for more information about restrictions.

Prisons:

Chapter 6, section 1 of the Prisons Act states that during the time a detainee is required to perform or participate in an activity, 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 activity.¹³³ According to chapter 6, section 2, a detainee shall be given the opportunity to access common areas during his or her spare time, unless otherwise stated in the Prisons Act.¹³⁴ Chapter 6, section 3 also states that the detainees may be kept separated from each other during the nightly rest.¹³⁵

The SPPS regulations and general advice on Prisons state that 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 for a maximum of 14 hours, in addition to the time of locking and unlocking a ward. The time for locking may be scheduled at 18.00 at the earliest and may begin 15 minutes before the appointed time for locking in the residential rooms. The time for unlocking may be set no later than 9.00 a.m. and the unlocking must end no later

¹²⁸ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 5.

¹²⁹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 5a.

¹³⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 6, section 1.

¹³¹ Sweden, Code of Judicial Procedure ([Rättegångsbalk \[1942:740\]](#)), 1 July 2021, chapter 24, section 5a.

¹³² Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 6, section 2.

¹³³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 1.

¹³⁴ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 2.

¹³⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 3.

than 15 minutes after the appointed time for unlocking the residential rooms.¹³⁶ The general advice to this provision states that the Prison should consider whether there are alternative measures to deal with the situation before it decides to keep detainees locked in their cells for more than 12 hours a day. If detainees are locked in their cells for more than 12 hours a day, SPPS should strive to take measures that counteract the negative effects of being separated from others at the time being.¹³⁷

The SPPS regulations and general advice on Prisons state that in a Prison of security class 3, the detainees may be locked into their wards in connection with their nightly rest for a maximum of 11 hours, in addition to the time of locking and unlocking the ward. The time for locking may be scheduled at 20.00 p.m. at the earliest and may begin 30 minutes before the appointed time for locking in the residential rooms. The time for unlocking may be set no later than 8.00 a.m. and the unlocking must end no later than 30 minutes after the appointed time for unlocking the residential rooms.¹³⁸

c. Recreational facilities

Remand Prisons:

According to chapter 2, sections 8-10 of the Remand Prisons Act, detainees shall, in some suitable way, be given the opportunity for recreation,¹³⁹ following events in the outside world¹⁴⁰ and practicing their religion.¹⁴¹ Chapter 2, section 7 of the SPPS regulations and general advice on Remand Prisons states that recreation offered to detainees shall be varied.¹⁴² The SPPS general advice to chapter 2, section 8 of the Remand Prisons Act states that access to recreation may be restricted for reasons of order or safety, or practical conditions within SPPS, such as institutional procedures and access to resources.¹⁴³ Chapter 2, section 10 of the SPPS regulations and general advice on Remand Prisons outlines that a detainee should be given the opportunity to access a varied range of literature and public information,

¹³⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 6, section 1.

¹³⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 6, section 1.

¹³⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 6, section 2.

¹³⁹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 8.

¹⁴⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 9.

¹⁴¹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 10.

¹⁴² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 7.

¹⁴³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 2, section 8 of the Remand Prisons Act.

unless restrictions prevent it.¹⁴⁴ According to the SPPS website, detainees can play table tennis and exercise at most Remand Prisons.¹⁴⁵

Prisons:

Chapter 4, section 2 of the Prisons Act stipulates that a detainee should be given the opportunity to appropriately engage in physical activity or other recreational activity.¹⁴⁶ According to chapter 4, sections 3 and 4, 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.¹⁴⁷ The SPPS general advice on chapter 4, sections 2-5 of the Prisons Act states that access to leisure time activities, 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.¹⁴⁸ According to chapter 4, section 1 of the SPPS regulations and general advice on Prisons, the leisure time activities that the detainees shall have the opportunity to engage in should be varied.¹⁴⁹ The SPPS general advice to chapter 4, section 1 states that a detainee should be given the opportunity of a leisure time activity based on the personal needs identified in the sentence plan. Detainees should be given the opportunity to borrow simple equipment for leisure time activities 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.¹⁵⁰

The SPPS website states that 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.¹⁵¹ The prisons sometimes show movies on a screen or at the prison's television-system. There are also courses available in e.g. cooking or learning an instrument. Visits from family and friends are also considered as leisure time.¹⁵²

¹⁴⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 10.

¹⁴⁵ Sweden, Swedish Prison and Probation Service (SPPS) (*Kriminalvården*) What you can do at the Remand Prison ([Detta kan du göra på häktet](#)), official webpage, accessed 15 April 2024.

¹⁴⁶ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 4, section 2.

¹⁴⁷ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 4, section 3-4.

¹⁴⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice on chapter 4, sections 2-5 of the Prisons Act.

¹⁴⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 4, section 1.

¹⁵⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general advice to chapter 4, section 1.

¹⁵¹ Sweden, Prison and Probation Services (*Kriminalvården*), Leisure time ([Fritid](#)), official webpage, accessed 15 April 2024.

¹⁵² Sweden, Prison and Probation Services (*Kriminalvården*), Leisure time ([Fritid](#)), official webpage, accessed 15 April 2024.

The available tv channels in Remand Prisons and Prisons are: Swedish television (SVT), TV3, TV4, Channel 5 (Kanal 5), TV6, TV10, Al Jazeera, Discovery, Sport channel (*Sportkanalen*), Viasat Sport and Yle.¹⁵³

d. Educational activities

Remand Prisons:

According to chapter 2, sections 10 and 11 of the SPPS regulations and general advice on Remand Prisons, detainees shall be given the opportunity to access a varied range of literature and social information as well as access the Swedish television channels SVT 1, SVT 2 and TV 4, unless restrictions prevent it.¹⁵⁴ According to the SPPS website, detainees can borrow books from the Remand Prisons' library or book trolley¹⁵⁵ SPPS has its own educational organisation, the Learning Centre (*Lärcentrum*). There are Learning Centres at some Remand Prisons.¹⁵⁶ See part 7 below for more information access to education for detainees in Remand Prisons.

Prisons:

According to chapter 4, sections 4 and 5 of the SPPS regulations and general advice on Prisons, detainees shall be given the opportunity to access a varied range of literature and social information as well as access the Swedish television channels SVT 1, SVT 2 and TV 4.¹⁵⁷ According to the SPPS website, many prison facilities have libraries where the detainees can borrow books that belong to the municipality library or the state library.¹⁵⁸ There is no internet available to detainees due to security provisions. Detainees are not allowed to have mobile phones, computers, iPads or other electronic devices to communicate with.¹⁵⁹ As stated above, SPPS has its own educational organisation, the Learning Centre. There are Learning Centres at every prison.¹⁶⁰ See part 7 below for more information access to education for detainees in Prisons.

e. NPM assessment

Reports from the National Preventive Mechanism

¹⁵³ Sweden, Prison and Probation Services (*Kriminalvården*), 123 Questions ([123 Frågor](#)), official webpage, accessed 15 April 2024.

¹⁵⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, sections 10 and 11.

¹⁵⁵ Sweden, Swedish Prison and Probation Service (SPPS) (*Kriminalvården*) What you can do at the Remand Prison ([Detta kan du göra på häktet](#)), official webpage, accessed 15 April 2024.

¹⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), Learning Centre ([Lärcentrum](#)), official webpage, accessed 15 April 2024.

¹⁵⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 4, sections 4 and 5.

¹⁵⁸ Sweden, Prison and Probation Services (*Kriminalvården*), Leisure time ([Fritid](#)), official webpage, accessed 15 April 2024; and Sweden, Prison and Probation Services (*Kriminalvården*), 123 Questions ([123 Frågor](#)), official webpage, accessed 15 April 2024.

¹⁵⁹ Sweden, Prison and Probation Services (*Kriminalvården*), 123 Questions ([123 Frågor](#)), official webpage, accessed 15 April 2024.

¹⁶⁰ Sweden, Prison and Probation Services (*Kriminalvården*), Learning Centre ([Lärcentrum](#)), official webpage, accessed 15 April 2024.

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: *Vid inspektionen av häktet Sollentuna i januari 2020 uppmärksammades att det inte fanns tillräckligt med platser på gemensamhetsavdelningarna. Vid inspektionens inledning fanns det 101 häktade intagna med rätt att vistas i gemensamhet men bara 83 platser på häktets gemensamhetsavdelningar. Efter inspektionen uttalade JO att det var allvarligt att häktet Sollentuna inte kunde tillgodose intagnas rätt till gemensamhet och pekade på att lokalmässiga och praktiska förutsättningar inte är godtagbara skäl för att inte tillgodose deras lagstadgade rättighet.¹⁶¹*

During the inspection of the Sollentuna remand prison in January 2020, it was noted that there were not enough places in the units for placement of inmates with a right to associate with others. At the start of the inspection, there were 101 detainees on remand with the right to associate with others, but only 83 beds in wards for placement in association. Following the inspection, the Parliamentary Ombudsman stated that it is serious that the Sollentuna remand prison could not satisfy the inmates' right to association and pointed out that the conditions of the premises and practical conditions are not acceptable reasons for not meeting their statutory right.

National language: *Såväl JO som Europeiska tortyrkommittén (CPT) har genom åren framfört synpunkter på häktet Sollentunas rastgårdar. Efter ett besök 2015 rekommenderade CPT svenska myndigheter att vidta åtgärder för att förbättra miljön på rastgårdarna och göra det möjligt för de intagna att se ut från dem.¹⁶² Häktets samtliga rastgårdar är som slutna förvaringsutrymmen med höga betongväggar och gallertak. Det går inte att betrakta omgivningarna från rastgårdarna och det är svårt att uppleva någon frisk luft.*

Efter inspektionen lyfte JO fram att JO:s medicinska expert vid inspektionen konstaterade att rastgårdarna i deras nuvarande form riskerar att ha en ogynnsam inverkan på de intagnas hälsa. Enligt JO lever häktets rastgårdar fortfarande inte upp till de krav som rimligen kan ställas på sådana utrymmen och framhöll att de planer som fanns på förbättringar också borde omfatta åtgärder så att de intagna kan titta ut och betrakta omgivningarna.¹⁶³

Over the years, both the Parliamentary Ombudsmen and the European Committee for the Prevention of Torture (CPT) have commented on the exercise yards of the Sollentuna remand prison. Following a visit in 2015, the CPT recommended that Swedish agencies should take measures to improve the environment in the exercise yards and make it possible for the inmates to be able to contemplate their surroundings. All exercise yards at the remand prison are like enclosed storage spaces with high concrete walls and lattice roofs. It is not possible to view the surroundings from the exercise yards and it is difficult to experience any fresh air.

¹⁶¹ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM, Rapport från verksamheten 2020-21](#)), 2023, p. 33. Original footnote: See JO's protocol in number O 5-2020.

¹⁶² Original footnote: CPT/Inf (2016) 1, para. 3.

¹⁶³ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 35.

Following the inspection, the Ombudsman pointed out that the Parliamentary Ombudsmen's medical expert stated during the inspection that the exercise yards in their current form risk having an adverse effect on the health of the inmates. According to the Parliamentary Ombudsman, the remand prison's exercise yards still do not meet the requirements that can reasonably be placed on such spaces and emphasised that the plans for improvements should also include measures so that the inmates can look out and view the surroundings.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.¹⁶⁴ In relation to the adequacy and meaningfulness of the time spent outside the cell, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of Remand Prisons, both the facilities and the personnel needed for adequate and meaningful time outside the cell is often lacking.¹⁶⁵ The NPM notes that there are not always places for everyone to sit down in the common areas.¹⁶⁶ The NPM also notes that access to the outdoor environment is compromised.¹⁶⁷

The NPM also refers to Protocol O 21-2023 where it notes that the facilities and the personnel needed for adequate and meaningful time outside the cell is often lacking.¹⁶⁸

The NPM also refers to Protocol O 20-2022 where it notes the same problem in relation to inadequate facilities.¹⁶⁹

6. Solitary confinement

a. Placement in solitary confinement

Remand Prisons and Prisons

For the purpose of this report, the term solitary confinement is used for “confinement of prisoners for 22 hours or more a day without meaningful human contact” as defined by the Nelson Mandela Rules

¹⁶⁴ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

¹⁶⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 10, 14-15 and 17.

¹⁶⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, p. 23.

¹⁶⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 10, 12, 14 and 25.

¹⁶⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 6 and 8.

¹⁶⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 4.

and the European Prison Rules.¹⁷⁰ However, the national standards in laws and regulations do not use the term solitary confinement but instead the terms “separated from others” (*avskild från andra*) or seclusion” (*avskildhet*). SPPS reports that the Agency considers the terms separated from others and seclusion as forms of solitary confinement.¹⁷¹

Remand Prisons

As outlined under several parts above, the main rule in Remand Prisons is that detainees have the right to be placed in their own cells. However, two or more detainees may be placed in the same cell if it is necessary for capacity reasons or for some other special reason.¹⁷²

In 2021, a number of legal changes were made in order to reduce isolation and create a more efficient handling of detainees in Remand Prisons. One of the changes was the introduction of a time limit for detainees in Remand Prisons, made in the Code of Judicial Procedure. According to chapter 24, section 4 (a) of the Code of Judicial Procedure, 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.¹⁷³

As mentioned in part 5 (b) above, chapter 2, section 5 of 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 in solitary confinement; or
- (3) it is necessary to carry out a body inspection.¹⁷⁴

As mentioned in part 5 (b) above, chapter 2, section 5 (a) of the Remand Prisons Act includes special provisions for the right of young detainees to associate,¹⁷⁵ see part 13 below.

According to SPPS general advice on chapter 2, section 5 of the Remand Prisons Act, security reasons that make it necessary to keep the detainee in solitary confinement may be e.g. that there is a risk of release or escape, that the detainee is violent or intoxicated, that an inappropriate constellation of detainees has arisen that cannot be resolved through relocation, that threats of violence have been made or that damage has taken place.¹⁷⁶

¹⁷⁰ Council of Europe (CoE) [European Prison Rules](#), June 2006, revised, rule 60.6.a; and United Nations (UN) [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) (Nelson Mandela Rules), rule 44.

¹⁷¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

¹⁷² Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 1.

¹⁷³ Sweden, Code of Judicial Procedure ([Rättegångsbalk \[1942:740\]](#)), 1 July 2021, chapter 24, section 4a.

¹⁷⁴ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 5.

¹⁷⁵ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 5a.

¹⁷⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice on chapter 2, section 5 of the Remand Prisons Act.

According to chapter 2, section 3 (a) of the SPPS regulations and general advice on Remand Prisons, a decision on solitary confinement in accordance with chapter 2, section 5 of the Remand Prisons Act shall be reviewed as often as there is reason to do so, but at least every ten days.¹⁷⁷

As mentioned in part 5 (b) above, the Remand Prisons Act also regulates the use of restrictions. 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.¹⁷⁸ 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.¹⁷⁹ Chapter 24, Section 5 (a) of the Code of Judicial Procedure stipulates that 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.¹⁸⁰

According to chapter 6, section 2 of the Remand Prisons Act, such decision may relate to restrictions of the right to:

- (1) be placed together with other detainees (so called double occupancy) in accordance with chapter 2, section 1, second paragraph;
- (2) association with other detainees 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 7.¹⁸¹

Prisons

According to chapter 6, section 3 of the Prisons Act, detainees may be locked in their own cells for nightly rest.¹⁸² Chapter 6, section 4 states that a detainee may be separated from others on his or her

¹⁷⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 3 (a).

¹⁷⁸ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 6, section 1.

¹⁷⁹ Sweden, Code of Judicial Procedure ([Rättegångsbalk \[1942:740\]](#)), 1 July 2021, chapter 24, section 5a.

¹⁸⁰ Sweden, Code of Judicial Procedure ([Rättegångsbalk \[1942:740\]](#)), 1 July 2021, chapter 24, section 5a.

¹⁸¹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 6, section 2.

¹⁸² Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 3.

own request. Such separation shall be reviewed as often as there is reason to do so, but at least once a month.¹⁸³

According to chapter 6 of the Prisons Act a detainee can also be involuntarily placed in solitary confinement on a number of grounds. Detainees can be kept in solitary confinement temporarily if it is considered necessary to maintain order and safety.¹⁸⁴ Further, a detainee may be kept in solitary confinement temporarily if considered necessary because the detainee is violent or intoxicated. However, if a placement in solitary confinement cannot be carried out at the current facility, a detainee can be placed in a Remand Prison for a maximum of 48 hours.¹⁸⁵ A detainee may also be held separated from others if it is necessary to carry out a body inspection.¹⁸⁶

Detainees can also be placed in solitary confinement if necessary:

1. with regard to the security 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 drugs¹⁸⁷ or other goods included in the law prohibiting certain health hazardous goods;¹⁸⁸ or
6. in order to prevent the detainee to seriously molest another detainee.

A decision on placements in solitary confinement must be reviewed as often as possible, but at least every 10 days.¹⁸⁹

A detainee may be held temporarily in solitary confinement during an investigation of misconduct. The detainee may not be held in solitary confinement 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.¹⁹⁰

¹⁸³ 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.

¹⁸⁴ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 5.

¹⁸⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 6.

¹⁸⁶ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 9.

¹⁸⁷ Sweden, Act on the prohibition of certain dopants ([Lag \[1991:1969\] om förbud mot vissa dopningsmedel](#)), 19 December 1991.

¹⁸⁸ Sweden, Act on the prohibition of certain goods hazardous to health ([Lag \[1999:42\] om förbud mot vissa hälsofarliga varor](#)), 25 February 1999.

¹⁸⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 7.

¹⁹⁰ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 8.

b. Monitoring of detainees

Remand Prisons

As outlined in part 6 (a) above, the SPPS regulations and general advice on Remand Prisons states that a decision on solitary confinement in accordance with chapter 2, section 5 of the Remand Prisons Act shall be reviewed as often as there is reason to do so, but at least every ten days.¹⁹¹

The SPPS general advice on chapter 2, section 5 of the Remand Prisons Act further states that when a detainee is placed in solitary confinement, it is necessary to investigate the prerequisites for isolation-breaking measures, such as spending time in a shared space in so-called restriction groups (*restriktionsgrupper*) and the opportunity to spent time together (*samsittning*). A restriction group means that two or more detainees, 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 residential room or other designated space without the presence of personnel. 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.¹⁹²

According to chapter 1, section 25 of the SPPS regulations and general advice on Remand Prisons, a detention plan must be established within two weeks of the detention. The detention plan must be individually designed according to the circumstances of the individual case.¹⁹³ Section 26 states that the detention plan must, among other things, identify the detainee's need of isolation-breaking measures.¹⁹⁴

Prisons

As mentioned in part 6 (a) above, a decision on placements in solitary confinement a in accordance with chapter 6, section 7 of the Prisons Act shall be reviewed as often as possible, but at least every 10 days.¹⁹⁵

According to chapter 6, section 10 of the Prisons Act, detainees who are held in solitary confinement 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 placed in solitary confinement for other

¹⁹¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 2, section 3 (a).

¹⁹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, general advice on chapter 2, section 5 of the Remand Prisons Act.

¹⁹³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 1, section 25.

¹⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 1, section 26.

¹⁹⁵ Sweden, Prisons Act (*Fängelselag [2010:610]*), 10 June 2010, chapter 6, section 7.

reasons shall be examined by a physician if deemed necessary for the health status of the detainee, and at least once a month.¹⁹⁶ The same rules apply for all three security levels.

c. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: [...] *Genomgången av häktesplanerna visade enligt JO att i vart fall häktet Sollentuna hade svårt att bryta isoleringen enbart med hjälp av personalledda aktiviteter i förhållande till en intagen åt gången. JO framhöll att möjligheten till samsittning eller att vistas i gemensamhet i s.k. restriktionsgrupper är viktiga inslag i ett systematiskt isoleringsbrytande arbete över tid. Det var enligt JO tydligt att häktet Sollentuna måste stärka och prioritera sitt arbete med att på ett meningsfullt sätt bryta isoleringen av intagna. Vidare underströk JO att det är synnerligen allvarligt att det finns barn och unga som är isolerade i svenska häkten.*¹⁹⁷

[...] *The review of the detention plans showed that the Sollentuna remand prison had difficulty in breaking isolation solely with the help of staff-led activities in relation to one inmate at a time. The Parliamentary Ombudsman pointed out that the opportunity to sit together or to spend time in a shared space in so-called restriction groups are important elements of systematic work to break isolation over time. According to the Parliamentary Ombudsman, it was clear that the Sollentuna remand prison must strengthen and prioritise its work on reducing isolation of inmates by meaningful isolation breaking measures. Furthermore, the Parliamentary Ombudsman emphasised that it is extremely serious that there are children and young adolescent who are isolated in remand prisons.*

National language: *I samband med inspektionen i oktober av häktet Malmö, röd avdelning kom det fram att frihetsberövade barn under 18 år erbjöds minst fyra timmar isoleringsbrytande åtgärder i enlighet med det nya lagkravet i häkteslagen. Eftersom det arbetet måste prioriteras kunde häktet inte erbjuda andra grupper av intagna isoleringsbrytande åtgärder i den omfattning som är önskvärd och då det saknas lokalmässiga förutsättningar för det. Efter inspektionen uttalade JO att det var mycket bekymmersamt att resurserna och de lokalmässiga förutsättningarna för sådana åtgärder i stort sett endast räckte till för barnen. JO underströk att häktet ytterligare måste stärka och prioritera sitt arbete med att på ett meningsfullt sätt bryta isoleringen av alla grupper av intagna.*¹⁹⁸

¹⁹⁶ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 10.

¹⁹⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 34.

¹⁹⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 34; Original footnote: Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Huddinge Remand Prison, Nacka Department, 31 August–1 September 2021 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Huddinge, avdelningen Nacka, den 31 augusti–1 september 2021](#)), reference number O 20-2021.

In connection with the inspection in October 2021 of the Malmö remand prison (Red department), it emerged that children under the age of 18 were offered at least four hours of isolation-breaking measures in accordance with the new legal requirement in the Act on Detention. As this work had to be prioritised and the lack of premises didn't allow for it, the remand prison could not offer other groups of inmates isolation-breaking measures to the desirable extent. Following the inspection, the Parliamentary Ombudsman stated that it was very worrying that the resources and premises for such measures basically only was enough to uphold these measures for the children. The Parliamentary Ombudsman emphasised that the remand prison must further strengthen and prioritise its work to in a meaningful way end the isolation of all groups of inmates.

National language: *Vid inspektionen av häktet Malmö noterades att en intagen vid ett tillfälle varit bälteslagd i mer än 15 timmar.¹⁹⁹ Efter inspektionen konstaterade JO att bältesläggning är en av de mest ingripande åtgärder som Kriminalvården kan vidta mot en intagen i häkte. Mot bakgrund av den långa tid som den intagne varit bälteslagd underströk JO vikten av att Kriminalvården i samband med en sådan tvångsåtgärd gör kontinuerliga övervägningar om behovet kvarstår eller om en mindre ingripande åtgärd kan användas. Vidare hänvisade JO till tidigare uttalanden om att det finns ett behov av att se över lagstiftningen eftersom det inte i häkteslagen respektive fängelselagen framgår vem som kan fatta beslut om bältesläggning eller hur lång tid ett beslut om bältesläggning kan gälla innan det måste omprövas.²⁰⁰ JO instämde i denna bedömning och framhöll att Kriminalvården i avvaktan på en sådan översyn behöver arbeta med att minimera användandet av denna långtgående tvångsåtgärd.²⁰¹*

During the inspection of the Malmö remand prison, it was noted that an inmate had been placed in a restraint bed for more than 15 hours on one occasion. Following the inspection, the Parliamentary Ombudsman noted that the use of bed strapping is one of the most intrusive measures that the Prison and Probation Service can take against an inmate in remand prison. Considering the long period of time that the prisoner was restrained in bed, the Parliamentary Ombudsman emphasised the importance of the Prison and Probation Service, then using such coercive measure, continuously assess whether the need still remains or if a less intrusive coercive measure can be used instead. Furthermore, the Parliamentary Ombudsman referred to previous statements that there is a need to review the legislation as it is not clear in the Act on Detention and the Act on Imprisonment who can make a decision on the use of restraints in bed or how long a decision on bed strapping a patient can apply before it must be reviewed. The Parliamentary Ombudsman agreed with this assessment and pointed out that, pending such a review, the Prison and Probation Service needs to work to minimise the use of this far-reaching coercive measure.

National language: *Vidare var flera intagna i häktet Sollentuna "avskilda på egen begäran". JO ställde sig tveksam till denna beskrivning eftersom den gav intrycket av att Kriminalvården har ett rättsligt stöd för att hålla dem avskilda. Enligt JO saknas det lagligt stöd för att avskilja en intagen i häkte på denna grund. Hon pekade på att formuleringen riskerar att medföra att häktets personal inte arbetar aktivt för*

¹⁹⁹ Original footnote: Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Pre-announced Opcat inspection of the Swedish Prison and Probation Service, Malmö Remand Prison, 6–8 October 2021 ([Föranmäld Opcat-inspektion av Kriminalvården, häktet Malmö, den 6–8 oktober 2021](#)), reference number O 25-2021.

²⁰⁰ Original footnote: JO 2021/22 s. 241 and this report p. 41.

²⁰¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 35.

att ändra på situationen för en sådan intagen eller på avdelningen. Vidare underströk JO att häktet har ett stort ansvar att se till att sådana intagna inte drar sig undan i ensamhet och för att personalen dagligen gör insatser för att försöka komma till rätta med förhållandena för en sådan intagen. Det kan bl.a. handla om att på olika sätt bryta den intagnes isolering genom att erbjuda mellanmänsklig kontakt av annat slag, försöka motivera den intagne att flytta över till en gemensamhetsavdelning eller att försöka hitta alternativa placeringar i häktet Sollentuna eller andra häkten.²⁰²

Furthermore, several inmates in the Sollentuna remand prison were ‘segregated at their own request’. The Parliamentary Ombudsman expressed doubts about this description as it gave the impression that the Prison and Probation Service has a legal basis for keeping them segregated. According to the Parliamentary Ombudsman, there is no legal basis for segregating an inmate in a remand prison on this ground. and she pointed out that the wording risks leading to the remand prison’s staff not working actively to change the situation for such an inmate or in the ward. Furthermore, the Parliamentary Ombudsman emphasised that the remand prison has a great responsibility to ensure that such inmates do not isolate themselves and that the staff make daily efforts to try to come to grips with the conditions for them. This may involve breaking the inmate’s isolation in various ways by offering interpersonal contact of another kind, trying to motivate the inmate to spend time in association at the ward or trying to find alternative placements in the Sollentuna remand prison or other remand prisons.

National language: [...] Häktet Huddinge hyr sedan april 2020 Polismyndighetens arrestlokal i Nacka Strand och har 18 platser där för häktade med restriktioner, avdelningen Nacka. [...] Även häktet Malmö hyr sedan februari 2020 lokaler av Polismyndigheten, en korridor med 22 platser för häktade med restriktioner, röd avdelning.

[...]

De brister som uppmärksammades med verksamhet i de gamla arrestlokalerna drabbar dock de intagna på ett negativt sätt t.ex. möjligheten att erhålla isoleringsbrytande åtgärder när det saknas samtalsrum. I syfte att begränsa de negativa konsekvenserna uttalade JO att hon utgick ifrån att Kriminalvården ser över på vilket sätt myndigheten kan underlätta situationen för de intagna som placeras i gamla arrestlokaler. Det är enligt JO en självklarhet att intagna inte ska behöva vara placerade i sådana lokaler under längre tid än vad som är absolut nödvändigt.²⁰³

Since April 2020, the Huddinge remand prison has rented the Police Authority’s custody facility in Nacka Strand and has 18 beds there for remand prisoners with restrictions, the Nacka department. [...] Since February 2020, the Malmö remand prison has also rent premises from the Police Authority, a corridor with 22 beds for remand prisoners with restrictions, Red department.

[...]

However, the shortcomings noted relating to activities in the former custody facilities negatively affect the inmates, e.g. the possibility of obtaining isolation-breaking measures when there are a lack of rooms. To limit the negative consequences, the Parliamentary Ombudsman stated that she assumed that the

²⁰² Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 35.

²⁰³ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 36-37.

Prison and Probation Service would review the way in which the agency could facilitate the situation for the inmates who are placed in previous custody facilities. According to the Parliamentary Ombudsman, it is self-evident that inmates should not need to be placed in such premises for longer than absolutely necessary.

National language: [...] *Vid inspektionerna lämnades uppgifter om att belägningsgraden varierade och i några häkten hade den varit upp till 116 procent vissa dagar. Riksmottagningen hade när inspektionen genomfördes en belägningsgrad på 160 procent. Det var tydligt att vissa häkten var mer belastade än andra, men det var uppenbart att Kriminalvården våren 2019 generellt hade svårt att tillgodose intagnas rätt att vara i gemensamhet eller få isoleringsbrytande åtgärder liksom att dagligen vistas utomhus. Vidare påverkades utrymmet för att kunna tillhandahålla lämplig sysselsättning.*

[...]

Vidare uttalade JO att det är av avgörande betydelse att myndigheten i samband med ny- och ombyggnationer av häkten och anstalter planerar för och säkerställer att redan existerande liksom nyproducerade lokaler har tillräckligt med utrymmen för gemensamhetsvistelse och, i häktesverksamheten, isoleringsbrytande åtgärder.²⁰⁴

[...] *During the inspections, information was provided that the occupancy rate varied and in some remand prisons it had been up to 116 per cent on some days. At the time of the inspection, the National Reception Centre had an occupancy rate of 160 per cent. It was clear that some remand prisons were under more pressure than others, but it was obvious that in the spring of 2019, the Prison and Probation Service generally had difficulty meeting inmates' right to association with others or receive isolation-breaking measures, as well as to be outdoors on a daily basis. In addition, the capacity for providing suitable occupational activities was affected.*

[...]

Furthermore, the Parliamentary Ombudsman stated that it is of crucial importance that the agency, in connection with new construction and renovation of remand prisons and prisons, plans for and ensures that existing and newly produced premises have sufficient space for communal activities and, in detention operations, isolation-breaking measures.

National language: *Bältesläggning är en av de mest ingripande åtgärder som Kriminalvården kan vidta mot en intagen med stöd av fängelselagen och häkteslagen. ChefsJO konstaterade att bältesläggning inom kriminalvården inte omgärdas av samma rättssäkerhetsgarantier som inom tvångspsykiatri. I beslutet framhöll hon att det är en allvarlig brist att det inte framgår av fängelselagen eller häkteslagen vem som kan fatta beslut om bältesläggning eller hur lång tid ett beslut om en sådan åtgärd som längst kan gälla innan det måste omprövas.*

Vidare pekade chefsJO på att det fanns otydligheter i regelverket när det gäller hur snabbt en läkarundersökning ska genomföras och oklarheter i hur tvångsåtgärden ska följas upp. Inom tvångspsykiatri följer det av lag att hälso- och sjukvårdspersonal ska vara närvarande under den tid patienten hålls fastspänd. Varken fängelselagen eller häkteslagen har någon motsvarande bestämmelse. Det finns enligt chefsJO goda skäl för att involvera hälso- och sjukvårdspersonal i tillsynen redan från det att tvångsåtgärden inleds, eftersom det skulle minska risken för att bältesläggningen

²⁰⁴ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 44-45.

leder till att den intagnes rättigheter kränks eller att han eller hon på annat sätt lider psykisk eller fysisk skada av åtgärden. ChefsJO konstaterade att det nuvarande regelverket för bältesläggning inom kriminalvården inte uppfyller de rekommendationer som CPT lämnade till regeringen efter sitt besök i Sverige 2015. Vidare uttalade hon att det finns starka skäl att se över fängelselagens och häkteslagens bestämmelser om fängsel, inklusive frågan om Kriminalvården över huvud taget bör ha rätt att bälteslägga intagna. Mot den bakgrunden gjordes en framställning till regeringen om en översyn av lagstiftningen. I avvaktan på att en sådan översyn framhöll chefsJO att Kriminalvården behöver förvissa sig om att användningen av denna långtgående tvångsåtgärd minimeras.²⁰⁵

Using restraint in bed is one of the most intrusive measures that the Prison and Probation Service can take against an inmate under the Act on Imprisonment and the Act on Detention. The Chief Parliamentary Ombudsman noted that the use of restraint bed within the prison and probation system is not subject to the same procedural safeguards as within compulsory psychiatric care. In the decision, she pointed out that it is a serious shortcoming that it is not clear from the Act on Imprisonment or the Act on Detention who can make a decision on restraint in bed or how long a decision on such a measure can be valid before it must be reviewed.

Furthermore, the Chief Parliamentary Ombudsman pointed out that there were ambiguities in the regulatory framework regarding how quickly a medical examination should be carried out and ambiguities in how the coercive measure should be followed up. In compulsory psychiatric care, it is required by law that healthcare professionals are present during the time the patient is placed in restraints. Neither the Act on Imprisonment nor the Act on Detention have a corresponding provision. According to the Chief Parliamentary Ombudsman, there are good reasons for involving healthcare professionals in the supervision from the start of the coercive measure, as this would reduce the risk that the strapping down would lead to the inmate's rights being violated or that they otherwise suffer mental or physical harm from the measure. The Chief Parliamentary Ombudsman noted that the current regulatory framework for the use of restraint in bed in the prison and probation system do not meet the recommendations that the CPT submitted to the Government following its visit to Sweden in 2015. Furthermore, she stated that there are strong reasons to review the provisions of the Act on Imprisonment and the Act on Detention on means of restraint, including the question whether the Prison and Probation Service should have the right to strap down inmates in the first place. Against this background, a petition was made to the Government for a review of the legislation. Pending such a review, the Chief Parliamentary Ombudsman pointed out that the Prison and Probation Service needs to ensure that the use of this far-reaching coercive measure is minimised.

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2022, published 2024, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2022 \(jo.se\)](#).

National language: *Vid inspektionen av häktet Luleå fanns det en intagen som pga. brottsmisstanken inte fick vistas i gemensamhet, trots att han saknade restriktioner. I samtal uppgav den intagne att han aldrig vistas med andra intagna och att han inte heller blivit tillfrågad om det är något han önskar. Efter inspektionen hänvisade JO till tidigare uttalanden om att det inte är acceptabelt att möjligheten till vistelse i gemensamhet inskränks på grund av bristande resurser, samt att det är djupt otillfredsställande*

²⁰⁵ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 47.

att en intagen av organisatoriska eller andra skäl som den intagne inte kan påverka inte ges möjlighet att vistas i gemensamhet.²⁰⁶ JO pekade även på att hon tidigare särskilt framhållit att det finns anledning för Kriminalvården att inrätta fler särskilda avdelningar där intagna som, på grund av en viss brottsmisstanke, lever under hot i häktet kan få sin rätt att vistas i gemensamhet tillgodosedd.²⁰⁷ Det som kom fram vid inspektionen i Luleå synliggör enligt JO på nytt detta behov. Det är inte acceptabelt att Kriminalvårdens brister medför inskränkningar i en intagens rätt att vistas i gemensamhet och att det i förlängningen riskerar att leda till att den intagne blir isolerad.

During the inspection of the remand prison in Luleå, there was an inmate who, due to the suspicion of a crime, was not allowed to associate with others, despite the fact that he lacked [judicial] restrictions. In conversation, the inmate stated that he never associates with other inmates and that he has not been asked if it is something he wants. After the inspection, the Parliamentary Ombudsman referred to previous statements that it is not acceptable that the opportunity to associate with others is limited due to lack of resources. It is deeply unsatisfactory that an inmate for organisational or other reasons, that the inmate cannot influence, is not given the opportunity to associate with others. The Parliamentary Ombudsman also pointed out that she had previously particularly emphasised that there is reason for the Swedish Prison and Probation Service to establish more special departments where inmates who, due to a certain suspicion of crime, live under threat in the remand prison, can have their right to associate with others met. According to the Parliamentary Ombudsman, what emerged from the inspection in Luleå once again highlights this need. It is not acceptable that the Prison and Probation Service's shortcomings result in limitations on an inmate's right to associate with others and that in the long run it risks leading to the inmate becoming isolated.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.²⁰⁸ In relation to the practice of placing detainees in solitary confinement, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of remand prisons, both the facilities and the personnel needed for measures to break isolation are inadequate, leading to insufficient measures.²⁰⁹ The NPM also notes inadequate opportunities for detainees who are not subject to formal restrictions of separation from others to socialise with other detainees.²¹⁰

²⁰⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, pp. 25-26. Original footnote: See for example Parliamentary Ombudsman 2006/07 p. 139 and 2018/19 p. 146.

²⁰⁷ Original footnote: See JO' protocol in number O 5-2020.

²⁰⁸ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

²⁰⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 14 and 17.

²¹⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 14 and 17.

The NPM also refers to Protocol O 21-2023 where it notes that some of the cells used for detainees held on remand used due to overcrowding entail isolation 23 out of the 24 hours of the day.²¹¹ In addition, the legal right for adults of two hours of meaningful interaction and for children of four hours of meaningful interaction per day is not fulfilled.²¹²

The NPM also refers to Protocol O 20-2022 where it notes that detainees who due to the category of crime they are accused of are at risk for violence by other detainees must be provided with ways to socialise with others.²¹³

The NPM also refers to Protocol O 23-2023 where it notes that neither adults nor children enjoy fully their legal right to meaningful interaction every day.²¹⁴

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

Prisons:

According to section 2, point 3 of the Ordinance with instructions for the Swedish Prison and Probation Service (*Förordning [2007:1172] med instruktion för Kriminalvården*) SPPS must work to prevent reoffending. According to section 2, paragraph 2, SPPS must also take special measures aimed at preparing for release, combating drug abuse and adapting the content of the implementation of the sentence to each individual's needs. Section 3 states that the organisation of the Prisons must be designed to meet the activity needs of the detainees as well as to promote appropriate planning of the release of the detainees.

Chapter 2, section 2 of the SPPS regulations and general advice on Prisons states that the placement must take into account the detainee's need for measures that can facilitate his or her social integration or transition to a life of freedom or that can counteract the negative consequences of the deprivation of liberty.²¹⁵

²¹¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, pp. 5 and 12.

²¹² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 14.

²¹³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 9.

²¹⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, p. 12.

²¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 2, section 2.

Chapter 1, section 5 of the Prisons Act stipulates that the implementation of the sentence must be designed to facilitate the detainee's reintegration into society and counteract negative consequences of the deprivation of liberty. The implementation of the sentence must, as far as possible and without neglecting the requirement to protect the society, focus especially on measures intended to prevent reoffending. It must also be planned and designed after consultation with the detainee and in collaboration with the relevant authorities.²¹⁶

Chapter 1, section 5 of the Prisons Act also states that an individual sentence plan must be developed for each detainee. Section 6 of the Ordinance on Prisons outlines that an individual sentence plan must be based on an investigation of the detainee's need for support and control and of the measures that should be taken during the implementation of the sentence to reduce the risk of reoffending.²¹⁷ According to section 7 of the Ordinance on Prisons the individual sentence plan must be particularly focused on concrete measures that can facilitate the transition to a life of freedom prior to release. Based on the detainee's needs, cooperation must take place with: the municipal Social Welfare Committee; the health care sector; the Swedish Public Employment Agency; and the Swedish Social Insurance Agency. If necessary, collaboration must also take place with other authorities, organisations and individuals.²¹⁸

Furthermore, the conditions for granting detainees a permit for specific preparatory release measures must be considered in the individual sentence plan.²¹⁹ Specific preparatory release measures are regulated in chapter 11, sections 1-5 of the Prisons Act. The measures aim to reduce the risk of reoffending and to facilitate the detainee's adaptation in society. Specific preparatory release measures include: activity release; stay in care; half-way house; and extended activity release.²²⁰ In activity release, a detainee performs work, receives treatment or participates in education or specially arranged activities outside the Prison during daytime.²²¹ In extended activity release, a detainee serves the prison sentence in his or her home under controlled conditions.²²² If a detainee is placed in a halfway house, it means that a detainee is placed in a home controlled by SPPS, which is adapted to provide detainees with special support and monitoring.²²³ A detainee may also be placed stay in care which refers to homes regulated under the Social Services Act (*Socialtjänstlag [2001:453]*), such as residential care homes for young persons.²²⁴

More detailed provisions on the individual sentence plan can be found in the SPPS regulations and general advice on Prisons. According to chapter 1, section 26, the individual sentence plan must be developed according to the circumstances of the individual case. It must also be developed with the aim of implementing of the sentence in an appropriate manner and preparing for the release.²²⁵ According

²¹⁶ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 1, section 5.

²¹⁷ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 6.

²¹⁸ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 7.

²¹⁹ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 6.

²²⁰ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 1.

²²¹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 2.

²²² Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 5.

²²³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 4.

²²⁴ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 3.

²²⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 26.

to the general advice to section 26, designing the enforcement in an appropriate manner means, among other things, that measures are taken to reduce the risk of reoffending, to facilitate the detainee's adaptation to society or to counteract the negative consequences of deprivation of liberty.²²⁶ Chapter 1, section 27 states that the individual sentence plan for each detainee must be based on a risk assessment and a needs assessment.²²⁷ According to the general advice to section 27, the risk assessment should identify the risks that are most strongly associated with the risk of reoffending. The needs assessment should identify the measures that can facilitate the detainee's social reintegration or transition to a life of freedom, counteract the negative consequences of deprivation of liberty and meet the need for health care.²²⁸

b. Access to work

Remand Prisons:

Chapter 2, section 6 of the Remand Prisons Act states that, if possible, detainees must be given an appropriate activity in the form of work or other comparable activity. Detainees who carry out or participate in an activity arranged by SPPS are entitled to remuneration. If detainees have intentionally damaged property that belongs to or has been made available to SPPS, SPPS may withhold a sum from this remuneration, corresponding to the cost of replacing the property or substituting for it in some other way.²²⁹ Chapter 2, section 4 of the SPPS regulations and general advice on Remand Prisons states that detainees are entitled to compensation of SEK 11 per hour for the time that they participate in or carry out activities arranged by SPPS.²³⁰ According to the subsequent general advice to chapter 2, section 4, a detainee who, during activities, disturbs the order or refuses to follow instructions and thereby obstructs the implementation of the activity is not considered to have performed or participated in the activity.²³¹ Chapter 2, sections 5 and 6 state that the payment of remuneration for activities must be made by depositing the earned amount every week or every other week into a special account administered by SPPS. Detainees must also be informed in writing of the size of the amount earned and how it has been calculated on each payment occasion.²³²

²²⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 26, general advice.

²²⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27.

²²⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27, general advice.

²²⁹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 6.

²³⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 4.

²³¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 4, general advice.

²³² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, sections 5-6.

Prisons:

Chapter 3, section 1 of the Prisons Act stipulates detainees' right to activities and outlines that detainees must be given the opportunity to take part in activities in the form of work, education, training, rehabilitation programmes related to crime and misuse or some other structured activity.²³³ The SPPS general advice on chapter 3, section 1 of the Prisons Act states that other structured activities include, for example, self-administration, job training, social skills training, specific activities for pensioners or detainees with disabilities, and other comparable activities.²³⁴ According to section 12 of the Ordinance on Prisons, detainees must, as far as possible, be assigned an activity that is likely to prevent reoffending or that otherwise facilitates the detainees' adaptation to society. Particular consideration must be given to the detainees' motivation to change.²³⁵

Chapter 3, section 2 of the Prisons Act stipulates detainees' obligation to take part in activities. Detainees are obliged to carry out or take part in the activities assigned to them. Detainees in receipt of old-age pension in accordance with the Social Insurance Code may not be required to undertake an activity. Detainees who have been granted sickness benefit or activity compensation in accordance with the same Code may only be required to undertake an activity of the nature and to the extent that can be regarded as suitable for them.²³⁶ According to chapter 3 section 1 of the SPPS regulations and general advice on Prisons, detainees may be assigned an activity during non-holiday Monday to Friday 07.30 – 19.00. However, if the nature of the activity or some other special circumstance so requires, detainees over the age of 18 may also be assigned an activity at other times.²³⁷ Chapter 3, section 1 (a) states that detainees are entitled to two non-working days per week, unless there are special reasons for not doing so.²³⁸

According to chapter 3 section 3 of the Prisons Act, detainees are entitled to remuneration from SPPS if (1) they have carried out or participated in an assigned activity, and (2) remuneration for the activity is not being paid for by another person or body.²³⁹ Chapter 3 section 2 of the SPPS regulations and general advice on Prisons states that detainees are entitled to remuneration of SEK 13 per hour (normal remuneration) for time that they participate in or perform assigned activities.²⁴⁰ Chapter 3, section 5 states that detainees who performs work for more than eight hours on a certain day is thereafter entitled to remuneration of SEK 19.50 per hour. The same applies if detainees work more than 40 hours

²³³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 1.

²³⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 3, section 1 of the Prisons Act.

²³⁵ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 12.

²³⁶ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 2.

²³⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 1.

²³⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 1 (a).

²³⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 3.

²⁴⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 2.

in a given week.²⁴¹ According to section 5 (a), detainees who perform work on a day that would otherwise have been work-free are entitled to compensation of SEK 19.50 per hour.²⁴² Unless remuneration is paid in accordance with section 5 or 5 (a), detainees are entitled to remuneration of SEK 3 per hour in addition to normal remuneration or reduced remuneration for work performed at times other than non-holiday Monday to Friday between 07.30 and 19.00.²⁴³

Section 13 of the Ordinance on Prisons states that detainees also have the right to remuneration if 1) they cannot be assigned an activity during normal working hours and it is not their fault, or 2) the detainees' capacity for work is wholly or partially reduced due to illness. This remuneration is however not paid if the detainee is in receipt of old-age pension, sickness benefit or activity compensation under the Social Insurance Code.²⁴⁴ According to chapter 3 section 7 of the SPPS regulations and general advice on Prisons, detainees who cannot be assigned an activity to the extent that normally available in the institution is entitled to a remuneration of SEK 6.50 for each hour that the activity cannot be assigned.²⁴⁵ Chapter 3 section 8 of the SPPS regulations and general advice on Prisons states that detainees whose ability to work is wholly or partially reduced due to illness is entitled to remuneration of SEK 6.50 per hour for the time that they would otherwise have performed or participated in an activity. However, this does not apply if there is no right to remuneration under Section 13 of the Ordinance on Prisons.²⁴⁶

Chapter 3, section 10 of the SPPS regulations and general advice on Prisons states that the payment of remuneration for an activity must be made by depositing the earned amount every other week into a special account administered by SPPS. Section 11 states that detainees must be informed in writing of the size of the amount earned and how it has been calculated on each payment occasion. According to section 12, detainees who lack money when the enforcement of the sentence begins can receive an advance of the remuneration of a maximum of SEK 800. Repayment must be made on one or more occasions by deduction from remuneration for the activity or in some other way.²⁴⁷

According to chapter 3 section 4 of the Prisons Act, SPPS must withhold one-tenth of the detainees' remuneration for leave and release purposes. In special cases SPPS may authorise the use of withheld remuneration for some other purpose. Withheld remuneration shall be paid to detainees no later than

²⁴¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 5.

²⁴² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 5 (a).

²⁴³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 7.

²⁴⁴ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 13.

²⁴⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 7.

²⁴⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 8.

²⁴⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, sections 10-12.

when they cease to be deprived of liberty.²⁴⁸ According to chapter 3, section 5 of the Prisons Act, SPPS may withhold a sum from the remuneration if a detainee has intentionally damaged property that belongs to or has been made available to SPPS. The sum must correspond to the cost of the replacement or other substitution of the property.²⁴⁹

c. Access to education

Remand prisons:

As mentioned in part 7 (a) above, SPPS must work to prevent reoffending, according to section 2, point 3 of the Ordinance with instructions for SPPS. The Remand Prisons Act only refers to the possibility of detainees to be given an appropriate activity in the form of work or other comparable activity.²⁵⁰ However, chapter 1, section 26 of the SPPS regulations and general advice on remand prisons states that, if the detainee is under 18 years of age, the plan for detention must specify any measures taken in view of the special needs that a young person may have regarding, for example, an education plan.²⁵¹ Chapter 3, section 14 of the SPPS regulations and general advice on Remand Prisons also allow detainees who participate in studies organised by SPPS to communicate via computer with SPPS's teachers and study and career counsellors.²⁵²

Thus, there are some possibilities for young detainees to study in Remand Prisons. According to SPPS's annual report, young persons in Remand Prisons are contacted by study and career counsellors to be offered guidance counselling and possible studies. For those who are enrolled at a school in their home municipality, SPPS contacts the school to review the possibility of continuing studies during their time in the Remand Prison.²⁵³

Prisons:

As mentioned in part 7 (b) above, chapter 3 section 1 of the Prisons Act stipulates detainees' right to activities including education, training, treatment programmes related to crime and misuse and other structured activity in addition to work.²⁵⁴ The SPPS general advice on chapter 3, section 1 of the Prisons Act states that other structured activities include, for example, self-administration, job training, social skills training, specific activities for pensioners or detainees with disabilities, and other comparable

²⁴⁸ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 4.

²⁴⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 5.

²⁵⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 6.

²⁵¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

²⁵² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 14.

²⁵³ Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Annual report for 2022 ([Årsredovisning 2022](#)).

²⁵⁴ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 1.

activities.²⁵⁵ According to the SPPS website, activities include work, studies, treatment programs, self-administration, parents' group and Better Future – a study circle for release.²⁵⁶

As mentioned in part 7 (b), all detainees are obliged to carry out or take part in the activity assigned to them under the Prisons Act and are entitled to remuneration for all forms of activities. This means that detainees must work, study, participate in treatment programs or other comparable activities when in Prison. For all activities, a remuneration of SEK 13 per hour applies. More detailed provisions on activities and remuneration are outlined in part 7 (b) above.

Chapter 24 section 10 of the Education Act (*Skollag [2010:800]*) stipulates that SPPS is responsible for education equivalent to municipal adult education for detainees in Prisons.²⁵⁷ Section 39 of the Ordinance on Prisons states that SPPS must provide information to the Swedish Board of Student Finance (*Centrala studiestödsnämnden, CSN*) if detainees that are conducting studies other than those for which SPPS is responsible.²⁵⁸ Chapter 5 of the Ordinance on adult education (*Förordning [2011:1108] om vuxenutbildning*) contains detailed provisions on education for detainees in Prisons.²⁵⁹ The education corresponds to municipal adult education at basic level and upper secondary level. It also includes Swedish for immigrants and vocational education and training. According to SPPS's annual report 2022, the adult education is a formal education and can lead to a degree in the same way as municipal adult education. The grading documents are neutral and do not reveal that the studies were conducted within the remit of SPPS. The education mainly covers theoretical subjects. However, vocational education and training are provided in some Prisons. Vocational education and training can also be provided remotely between Prisons, in cooperation between vocational teachers and production managers.²⁶⁰

d. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.²⁶¹ In relation to social reintegration of detainees, the NPM refers to Decision 019-2019. The NPM notes that

²⁵⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, general advice to chapter 3, section 1 of the Prisons Act.

²⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), Employment, studies and treatment (*Arbete, studier och behandling*), official webpage, accessed 29 April 2024.

²⁵⁷ Sweden, Education Act (*Skollag [2010:800]*), 23 June 2010, chapter 24, section 10.

²⁵⁸ Sweden, Ordinance on Prisons (*Fängelseförordning [2010:2010]*), 22 December 2010, section 39.

²⁵⁹ Sweden, Ordinance on adult education (*Förordning [2011:1108] om vuxenutbildning*), 3 November 2011, chapter 5.

²⁶⁰ Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Annual report for 2022 (*Årsredovisning 2022*).

²⁶¹ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

due to the overpopulation of remand prisons, work aiming at facilitating social reintegration is deprioritized.²⁶²

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

Access to medical services

Remand Prisons and Prisons

According to section 25 of the Ordinance on Prisons and section 15 of the Ordinance on Remand Prisons, every Remand Prison and Prison must have access to a licensed doctor and trained staff with suitable medical competence.²⁶³

Chapter 9, section 2 of the SPPS regulations and general advice on Prisons and chapter 5, section 2 of the SPPS regulations and general advice on Remand Prisons state that if a detainee is prescribed a certain medicine, he/she shall have access to that medicine in accordance with the prescription.²⁶⁴ In case of acute illness or injury, a detainee should immediately receive medical attention.²⁶⁵

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 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.²⁶⁶

Remand Prisons

According to chapter 5, section 1 of the Remand Prisons Act, 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

²⁶² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 10-11.

²⁶³ 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.

²⁶⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, chapter 9, section 2; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 5, section 2.

²⁶⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 5, section 3; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, chapter 9, section 3.

²⁶⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

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.²⁶⁷

Prisons

According to chapter 9, section 1 of the Prisons Act, 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.²⁶⁸

Access to dentists and opticians

Remand Prisons and Prisons

Chapter 1, section 16 of the SPPS regulations and general advice on Prisons and Remand Prisons states that a detainee who needs emergency dental care shall be given such care.²⁶⁹ 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.²⁷⁰

Prisons

Chapter 1, section 16 of the SPPS regulations and general advice on Prisons states that a detainee 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.²⁷¹

b. Availability of medical staff

Remand Prisons and Prisons

²⁶⁷ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 5, section 1.

²⁶⁸ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 9, section 1.

²⁶⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 16; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 16.

²⁷⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 6, sections 1 and 6; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 13, sections 1 and 5.

²⁷¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 16.

As stated in part 8 (a) above, according to the Ordinance on Prisons and the Ordinance on Remand Prisons, every institution must have access to a licensed doctor and trained staff with suitable medical competence.²⁷²

According to SPPS, the agency fulfils the care guarantee with access to assessment by licensed health and medical care personnel within three days.²⁷³

c. Medical examination upon admission

Remand Prisons and Prisons

Chapter 9, section 1 of the SPPS regulations and general advice on Prisons and chapter 5, section 1 of the SPPS regulations and general advice on Remand Prisons state that 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. A detainee with an ongoing medical treatment should always be given the opportunity to see a nurse.²⁷⁴

According to SPPS, all detainees are offered an initial health examination by a licensed nurse, no later than the next working day after arrival.²⁷⁵

d. Preventive care

Remand Prisons and Prisons

As stated in the part above, detainees are 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. A detainee with an ongoing medical treatment should always be given the opportunity to see a nurse.²⁷⁶

²⁷² 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.

²⁷³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

²⁷⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 5, section 1; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 9, section 1.

²⁷⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

²⁷⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 5, section 1; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 9, section 1.

According to SPPS, all detainees are offered an initial health examination by a licensed nurse, no later than the next working day after arrival.²⁷⁷

e. Specialised care

Remand Prisons and Prisons

As stated in part 8 (a) 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.²⁷⁸

Further, SPPS offers a range of different treatment programs for detainees. 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*)²⁷⁹ and an individual treatment program called "Oto-Prism".²⁸⁰ There are also several programs aimed at detainees focusing on, for example, the prevention of criminality, violence in intimate relationships, "honour-related" violence and sexual offences.²⁸¹

The Act on Forensic Psychiatric Care (*Lag om rättspsykiatrisk vård [1991:1129]*)²⁸² is also applicable to detainees in Remand Prisons²⁸³ and Prisons.²⁸⁴ See further information in part 14 below.

f. Treatment of the detainee's choosing

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 centre or hospital for initial health examinations or medical assessments at the primary care level would be very resource-intensive and result in 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

²⁷⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

²⁷⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

²⁷⁹ Sweden, Prison and Probation Services (*Kriminalvården*), Dare to choose (*Våga välja*), official webpage, accessed 29 April 2024.

²⁸⁰ Sweden, Prison and Probation Services (*Kriminalvården*), *Oto-Prism*, official webpage, accessed 29 April 2024.

²⁸¹ Sweden, Prison and Probation Services (*Kriminalvården*), Treatment program (*Behandlingsprogram*) official webpage, accessed 29 April 2024.

²⁸² Sweden, Act on Forensic Psychiatric Care (*Lag om rättspsykiatrisk vård [1991:1129]*), 1 September 2008, section 6, paragraph 1.

²⁸³ Sweden, Remand Prisons Act (*Häkteslag [2010:611]*), 10 June 2010, chapter 5, section 2.

²⁸⁴ Sweden, Prisons Act (*Fängelselag [2010:610]*), 10 June 2010, chapter 9, section 2.

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 detainees 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. No negative consequences must follow, due to the deprivation of liberty, regarding the right to healthcare.²⁸⁵

g. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: *Vid inspektionen av avdelningen Nacka kom det fram att intagna transporterades till häktets lokaler i häktet Huddinge för att ta emot besök och för att besöka hälso- och sjukvården. De intagna upplevde att deras tillgång till hälso- och sjukvård var dålig. Det var svårt att komma i kontakt med sjuksköterskorna och de intagna ansåg också att de inte blev lyssnade på, t.ex. var det svårt att få gehör för uttalade behov som hjälpmedel för rehabilitering. Det uttrycktes också missnöje med att det tog flera dagar innan s.k. systerlappar besvaras.*

Efter inspektionerna konstaterade JO att varje förvaringslokal ska ha tillgång till legitimerad läkare och personal med lämplig sjukvårdsutbildning.²⁸⁶ Avdelningen i Nacka hade visserligen tillgång till häktet Huddinges hälso- och sjukvårdspersonal men de förhållanden som rådde vid inspektionen gav enligt JO en del i övrigt att önska. Det förhållandet att de intagna inte hade direkt tillgång till hälso- och sjukvårdspersonal ledde till dröjsmål och missförstånd i kommunikationen. Den hade enligt JO naturligtvis underlättats om hälso- och sjukvårdspersonalen befann sig på plats i Nacka en eller ett par dagar i veckan. Den av Kriminalvården valda ordningen innebär att de intagna i Nacka har sämre tillgång till hälso- och sjukvård än övriga intagna i häktet. JO uttalade att om det inte redan har skett bör myndigheten så snart som möjligt vidta åtgärder som ger de intagna i Nacka tillgång till hälso- och sjukvårdspersonal på samma villkor som häktets övriga intagna.²⁸⁷

During the inspection of the Nacka department, it emerged that inmates were transported to the remand prison's premises in the Huddinge remand prison to receive visits and to meet with a nurse or doctor at the remand prison. The inmates felt that their access to healthcare was poor. It was difficult to get in touch with the nurses and the inmates also felt that they were not listened to, for example, it was difficult to get support for expressed needs such as rehabilitation aids. Dissatisfaction was also expressed with the fact that it took several days for so-called nurse notes to be answered.

Following the inspections, the Parliamentary Ombudsman stated that each detention facility must have access to a qualified medical practitioner and staff with adequate medical training. The department in

²⁸⁵ Sweden, e-mail correspondence with SPPS (Kriminalvården), 21 May 2024.

²⁸⁶ Original footnote: See Sweden, Ordinance on Remand Prisons ([Häktesförordning \[2010:2011\]](#)), 22 December 2010, section 15.

²⁸⁷ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 38.

Nacka did have access to the Huddinge remand prison's healthcare professionals but, according to the Parliamentary Ombudsman, the circumstances at the time of the inspection left a great deal to be desired. The fact that the detainees did not have direct access to healthcare professionals led to delays and miscommunication. According to the Parliamentary Ombudsman, it would of course have been easier if the healthcare professionals were on site in Nacka one or two days a week. The system chosen by the Prison and Probation Service means that the inmates in Nacka have less access to health and medical care than other inmates in the remand prison. The Parliamentary Ombudsman stated that if this has not already been done, the agency should as soon as possible take measures to give the inmates in Nacka access to healthcare professionals on the same terms as the other inmates in the remand prison.

National language: *Vid inspektionen av anstalten Västervik Norra 2019 samtalade JO:s medarbetare med en intagen som hade genomgått ett medicinskt ingrepp i anstalten.²⁸⁸ Efter ingreppet hade den intagne drabbats av en blödning som pågick under en hel natt. Först morgonen därpå fick han adekvat hjälp. [...] Av utredningen i ärendet framgick att anstaltens sjukvård, efter det utförda kirurgiska ingreppet, inte hade informerat personalen som arbetat nära den intagne om hans hälsotillstånd. Däremot hade den intagne berättat för anstaltspersonal att han blödde kraftigt och han fick efter det bl.a. en ny kompress för att stoppa blödningen. Det vakthavande befälet hade också upplysts om detta. JO ansåg att dessa förhållanden, vilket också varit Kriminalvårdens uppfattning, borde ha gett det vakthavande befälet anledning att ställa den intagne under tillsyn för att följa upp hans tillstånd och mående. På det sättet hade det vakthavande befälet fått ett bättre underlag för att ta ställning till om det hade varit nödvändigt att ta kontakt med medicinsk personal för bedömning av den intagnes behov av sjukvård. JO fann att det vakthavande befälet genom sitt agerande hade tagit en oacceptabel risk och kritiserades för detta. Kriminalvården kritiserades också för den bristande informationsöverföringen efter den medicinska behandlingen av den intagne.²⁸⁹*

During the inspection of the prison Västervik Norra, the Parliamentary Ombudsmen's employees spoke to an inmate who had undergone a medical procedure at the prison. After the procedure, the inmate had suffered a bleeding that lasted for an entire night. It wasn't until the next morning that he received adequate help. [...] The investigation of the case revealed that, after the surgical procedure had been performed, the prison's healthcare services had not informed the staff who worked closely with the inmate of his health status. On the other hand, the inmate had told prison staff that he was bleeding heavily and he was then given a new compress to stop the bleeding. The officer on duty had also been informed hereof. The Parliamentary Ombudsman considered that these circumstances, which had also been the view of the Prison and Probation Service, should have given the officer on duty reason to place the inmate under supervision to follow up on his condition and well-being. This way, the officer on duty would have had a better basis for deciding whether it would have been necessary to contact medical personnel for an assessment of the inmate's need for medical care. The Parliamentary Ombudsman found that the officer on duty had taken an unacceptable risk through his actions and was criticised for

²⁸⁸ Original footnote: Sweden, Parliamentary Ombudsman (*Justititeombudsmannen*) (2019) Opcat inspection of the Swedish Prison and Probation Service, Västervik Norra Prison, 1–3 July 2019 ([Opcat-inspektion av Kriminalvården, anstalten Västervik Norra, den 1–3 juli 2019](#)), reference number O 46-2019.

²⁸⁹ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 43-44.

this. The Prison and Probation Service was also criticised for the lack of information transfer after the medical treatment of the inmate.

National language: *Vid en inspektion av anstalten Saltvik i augusti 2018 kom det fram uppgifter om att en intagen avlidit i anstalten i juli samma år efter mer än två månaders matvägran.²⁹⁰ [...] Enligt chefsJO var det allvarligt att Kriminalvården vid beslutet om omplaceringen inte tycktes ha beaktat vare sig det förhållandet att den intagne matvägrade eller vad en omplacering skulle ha för inverkan på möjligheterna att ge honom en adekvat vård. Eftersom beslutet om omplacering fattats efter den intagne transporterats till anstalten Saltvik berövades han även möjligheten att begära omprövning av beslutet innan det verkställdes.*

Vidare konstaterade chefsJO att Kriminalvården bedriver viss hälso- och sjukvård och är att anse som vårdgivare i den mening som avses i hälso- och sjukvårdslagen. [...] ChefsJO uttryckte att det finns goda skäl för en sådan ordning och hon ställde sig bakom dessa uttalanden. Hon framhöll bl.a. att det inte är en godtagbar ordning att det enbart är personal utan hälso- och sjukvårdsutbildning som ansvarar för den dagliga kontakten med en intagen med vård- och omsorgsbehov. Hon konstaterade att det gör sig särskilt gällande i förhållande till intagna med så omfattade behov som det var i detta fall. ChefsJO uttalade att de omvårdnadsinstruktioner som lämnas av sjukvården till övrig kriminalvårdspersonal ska vara baserade på aktuell information. Det förutsätter att kvalificerad sjukvårdspersonal löpande, dvs. dagligen träffar den intagne och gör en värdering av om beslutade insatser är tillräckliga eller om de bör förändras. En sådan ordning motsvarar enligt chefsJO bättre de nämnda förarbetsuttalandena rörande matvägrande intagna och ligger även i linje med de europeiska fängelsereglerna samt vad som rekommenderas i Maltadeklarationen om att en patients självbestämmande i samband med matvägran alltid måste respekteras, och att en läkare dagligen bör försäkra sig om en intagen vill fortsätta sin matvägran.

[...] ChefsJO framhöll att bedömningen även i dessa fall måste grundas på antaganden om bristande beslutsförmåga och uttalade att hon hade svårt att se att enbart det förhållandet att en person är frihetsberövad skulle påverka rätten till självbestämmande i fråga om medicinsk vård och behandling. Hon hänvisade till att nödrätten är avsedd att tillämpas endast i undantagsfall där hälsofaran är verkligt allvarlig och överhängande.

[...] ChefsJO underströk att det endast är läkare som, efter en egen undersökning av den intagne, kan göra en bedömning av om det finns skäl för ett vårdintyg enligt lagen om rättspsykiatrisk vård. [...] När det gäller kriminalvårdens transporter för att fullgöra skyldigheten enligt fängelselagen att i vissa situationer föra en intagen till sjukhus, framstår enligt chefsJO situationen dock inte som riktigt lika klar, bl.a. mot bakgrund av att myndigheten endast i vissa fall agerar som vårdgivare. Om en intagen inte kan undersökas eller behandlas på ett lämpligt sätt i anstalten, har myndigheten en lagstadgad skyldighet att anlita den allmänna sjukvården. I vissa fall kan personal från den allmänna hälso- och sjukvården komma till anstalten för en bedömning av vårdbehovet men om det behövs ska den intagne föras över till sjukhus. Sker transporten utan medverkan av hälso- och sjukvårdspersonal bör den enligt chefsJO inte betraktas som en sjuktransport i hälso- och sjukvårdslagens mening.

[...] ChefsJO pekade även på att det kan uppkomma situationer där Kriminalvården bör överväga att föra en intagen från en anstalt till sjukhus om han eller hon inte kan undersökas behandlas på lämpligt sätt i anstalten, även om den intagne tidigare uttryckt att han eller hon inte samtycker till att ta emot vård vid en sjukvårdsinrättning.

²⁹⁰ Original footnote: Parliamentary Ombudsman's protocol with reference number 6027-2018.

[...]

ChefsJO konstaterade att det trots att det fanns journalanteckningar av läkare om hur sjukvårdspersonal skulle agera vid en akut situation var tydligt att det funnits brister i kommunikationen mellan sjukvården, kriminalvårdspersonalen och ledningen för anstalten. Det gick inte att utläsa i kriminalvårdsregistret om anstalten hade en tydlig planering för hur man skulle agera när den intagne allvarligt försämrades. Inte heller av patientjournalen framgick hur akut behovet av sjukhusvård ansågs vara. ChefsJO uttalade att det trots det torde varit uppenbart att den intagne, efter drygt 60 dagars matvägran, i detta skede inte hade lång tid kvar att leva. Hon ställde sig därför frågande till att Kriminalvården inte omedelbart tillkallade ambulans.

Eftersom Kriminalvården beslutade om en egen transport hänvisade chefsJO till att hon tidigare kritiserat myndigheten för att riskbedömningar inför transporter inte i tillräcklig utsträckning har skett utifrån individuella och aktuella faktorer, utan snarare grundats på standardiserade säkerhetsbedömningar. [...]²⁹¹

During an inspection of the Saltvik prison in August 2018, it was reported that an inmate had died in the prison in July of the same year after more than two months of hunger strike. [...] According to the Chief Parliamentary Ombudsman, it was serious that the Prison and Probation Service, when deciding on the relocation, did not seem to have taken into account the fact that the inmate refused to eat or what impact a transfer would have on the possibility of providing him with adequate care. As the decision to transfer the inmate had been taken after he had been transported to Saltvik prison, he was also deprived of the opportunity to request a review of the decision before it was enforced.

Furthermore, the Chief Parliamentary Ombudsman noted that the Prison and Probation Service provides certain healthcare and is to be regarded as a care provider within the meaning of the Health and Medical Services Act. [...] The Chief Parliamentary Ombudsman was of the opinion that there were good reasons for such an arrangement and she supported these statements. She emphasised, among other things, that it is not acceptable that only staff without health and medical training are responsible for the daily contact with an inmate in need of care. She noted that this is particularly true in relation to inmates with as extensive needs as in the present case. The Chief Parliamentary Ombudsman stated that the care instructions given to other prison staff by healthcare professionals must be based on up-to-date information. This presupposes that qualified medical staff meet the inmate on a regular basis, i.e. daily, and make an assessment of whether the decided interventions are sufficient or whether they should be changed. According to the Chief Parliamentary Ombudsman, such an arrangement is more in line with the above mentioned preparatory statements concerning inmates who refuses to eat and also in line with the European Prison Rules and the recommendations in the Declaration of Malta that a patient's autonomy in connection with hunger strike must always be respected, and that a doctor should ensure on a daily basis that an inmate wants to continue refusing to eat.

[...] The Chief Parliamentary Ombudsman emphasised that, even in these cases, the assessment must be based on assumptions of a lack of decision making capability and stated that she found it difficult to see that the mere fact that a person is deprived of their liberty would affect the right to autonomy with regard to medical care and treatment. She referred to the fact that necessity is intended to apply only in exceptional cases where the danger to health is really serious and imminent. [...] The Chief Parliamentary Ombudsman emphasised that only doctors, following their own examination of the inmate, can make

²⁹¹ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 47-51. Original footnote: Parliamentary Ombudsman 2017/18 p. 131.

an assessment of whether there are grounds for a care certificate under the Forensic Psychiatric Care Act. [...] However, when it comes to transportation by the Prison and Probation Service in fulfillment of the obligation under the Act on Imprisonment to take an inmate to hospital in certain situations, the situation does not, according to the Chief Parliamentary Ombudsman, appear to be quite as clear. Partly due to that the agency only acts as a care provider in certain cases. If an inmate cannot be examined or treated in an appropriate manner in the prison, the agency has a legal obligation to use the public healthcare services. In some cases, staff from the public healthcare services may come to the prison for an assessment of the need for care, but if necessary, the inmate shall be transferred to hospital. According to the Chief Parliamentary Ombudsman, if the transport is carried out without the participation of health and medical care personnel, it should not be regarded as a patient transport within the meaning of the Health and Medical Services Act.

[...] The Chief Parliamentary Ombudsman also pointed out that there may be situations where the Prison and Probation Service should consider taking an inmate from a prison to a hospital if they cannot be examined and treated appropriately in the prison, even if the inmate has previously expressed that they do not consent to receiving care at a healthcare facility.

[...]

The Chief Parliamentary Ombudsman noted that despite the fact that there were medical records by doctors about how medical staff should act in an emergency, it was clear that there had been shortcomings in communication between the healthcare services, the prison staff, and the management of the prison. It was not possible to tell from the prison register whether the prison had a clear plan for how to act when the inmate seriously deteriorated. Nor did the medical records indicate how urgent the need for hospital care was considered to be. The Chief Parliamentary Ombudsman stated that despite this, it should have been obvious that the inmate, after more than 60 days of hunger strike, did not have long to live at this stage. She therefore questioned why the Prison and Probation Service did not immediately call an ambulance.

As the Prison and Probation Service decided to carry out its own transport, the Chief Parliamentary Ombudsman referred to the fact that she had previously criticised the agency for the fact that risk assessments prior to transportation had not been sufficiently based on individual and current factors, but rather based on standardised security assessments. [...]

National language: Samtliga ombudsmän konstaterade att det funnits brister i hur myndigheterna hade informerat de frihetsberövade om covid-19-pandemin och åtgärderna för att hindra smittspridningen. Enligt ombudsmännen borde de frihetsberövade i första hand få skriftlig information, som vid behov kunde kompletteras muntligen. JO Per Lennerbrant uttalade att relevant information var en nödvändighet för att intagna ska kunna ta tillvara sin rätt och vidta ändamålsenliga åtgärder för att skydda sig själva och andra mot smitta.²⁹²

Each Ombudsmen found that there had been shortcomings in the way which the agencies have provided people deprived of their liberty with information concerning COVID-19 and the measures to prevent the spread of infection. In the opinion of the Ombudsmen, the people deprived of their liberty should be provided with written information in the first instance, which may be supplemented with oral information. Parliamentary Ombudsman Per Lennerbrant stated that relevant information is a necessity

²⁹² Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 96.

for inmates to be able to claim their rights and to take appropriate measures to protect themselves and others against infection. [...]

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.²⁹³ In relation to access to healthcare in detention and its quality, the NPM refers to Decision 019-2019. The NPM reports that due to the overpopulation of remand prisons, access to medical care is sometimes delayed as well as unequal.²⁹⁴ In addition, the NPM reports that overpopulation means an increased risk of spread of disease, including Covid-19.²⁹⁵

The NPM also refers to Protocol O 21-2023 where it notes a three-month waiting time to see a psychologist.²⁹⁶

The NPM also refers to Protocol O 20-2022 where it notes that no envelopes are provided when detainees communicate their health issues to the nurse in writing via guards.²⁹⁷

The NPM also refers to Protocol O 23-2023 where it notes the same issue, as well as that information about the health issues of detainees is kept openly in a folder, without protection of the privacy of detainees. In addition, sleeping medication is distributed already in the afternoon, and must be taken at the time it is distributed.²⁹⁸

The NPM also refers to Protocol O 20-2021 where it notes inadequate and delayed access to medical personnel and care due to no medical personnel being present on site in the remand prison.²⁹⁹

²⁹³ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

²⁹⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, p. 15.

²⁹⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 15 and 21.

²⁹⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 9.

²⁹⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 6.

²⁹⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, pp. 10 and 14-15.

²⁹⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Huddinge Remand Prison, Nacka Department, 31 August–1 September 2021 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Huddinge, avdelningen Nacka, den 31 augusti–1 september 2021](#)), reference number O 20-2021, pp. 7-8 and 10.

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

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 SPPS. Claims of illegal violence or other misconduct can be filed to the Police Authority and to the Parliamentary Ombudsman (*Justitieombudsmannen*).³⁰⁰

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 are also a part of the staff education program.³⁰¹

b. Protection from violence by other detainees

Remand Prisons and Prisons

According to SPPS's annual report 2023, the Agency has a zero-tolerance policy towards violence, threats and harassment amongst detainees.³⁰² In addition, the Agency is working according to a security strategy in which 5 different areas are included:

Personnel: Employees must receive accurate training and have accurate conditions for their work tasks. This means that employees know how to act in certain situations. Employees must also have a good knowledge about the detainees as well as understanding of how to work with detainees in a preventive manner.³⁰³

Working methods: Employees must pay attention, communicate and act early in the event of deviations. Employees must communicate and interact with detainees in a way that creates mutual trust and understanding of daily work and safety.³⁰⁴

³⁰⁰ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³⁰¹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³⁰² Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 68.

³⁰³ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 73.

³⁰⁴ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 74.

Physical and technical safety: Physical security must be adapted for each Prison and Remand Prison. Every employee must be well aware of how the local security work is structured and how it should be applied in the daily work and in security-threatening situations.³⁰⁵

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. Employees must be trained, have good knowledge of governing documents and have an understanding of and insight into why a governing document exists.³⁰⁶

Intelligence-oriented correctional work: The SPPS's intelligence service works to provide strategic and operational data to be able to take the right action at the right time.³⁰⁷

SPPS reports that an important part of the preventive measures to protect detainees from violence is the collaboration between SPPS's security department, the operational staff and relevant decision-makers. The SPPS's security department shares threats and risk assessments before the placement and during existing placement of a detainee. SPPS highlights the presence of prison staff to detect, interrupt and prevent incidents of violence between detainees.³⁰⁸

SPPS reports that Core Correctional Practice (KKA) is an evidence-based working method for staff in SPPS. KKA aims to strengthen the effect of relapse prevention efforts and to strengthen the relationship between detainees and prison staff. KKA is a way to promote a supportive environment and contribute to security and reduced mismanagement during the implementation of the sentence. In addition to KKA, SPPS employees must regularly undergo conflict management training. Conflict management involves both theoretical and practical training in conflict knowledge, stress management and emergency response.³⁰⁹

SPPS reports that the agency's staff have an obligation to report incidents of threats or violence directed at staff or between detainees.³¹⁰ Incidents of threats and violence between detainees are reported in the ISAP incident management system. The incident reporting is used to follow up, provide feedback and improve security work.³¹¹

SPPS reports that it is the responsibility of the agency to file a police report in cases of a suspected crime. It is also possible for detainees to file a police report. In addition to the Police Authority's criminal investigation, SPPS is responsible to carry out its own incident investigations.³¹²

Remand Prisons

³⁰⁵ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 76.

³⁰⁶ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 76.

³⁰⁷ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 78.

³⁰⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³⁰⁹ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³¹⁰ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

³¹¹ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 69.

³¹² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

According to chapter 2, section 5 of the Remand Prisons Act, 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.³¹³ Chapter 2, section 1 states that a detainee is entitled to be placed in a cell of his/her own. However, two or more detainees may be placed in the same room if this is necessary for reasons of space or other special reasons.³¹⁴

Chapter 1, section 25 of the SPPS regulations and general advice on Remand Prisons states that 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.³¹⁵ The detention plan shall be based on the security assessment carried out in accordance with chapter 1, section 9 of the SPPS regulations general advice on Remand Prisons.³¹⁶ The plan for the detention should identify the detainees need of measures to counteract the negative consequences of detention; isolation-breaking measures; special protection; and healthcare.³¹⁷ By special protection is meant e.g. measures to prevent the detainee from being exposed to threats and violence.³¹⁸

Prisons

According to chapter 6, section 4 of the Prisons Act, a detainee may, if appropriate, be allowed to be kept separate from other detainees at his own request.³¹⁹ The SPPS general advice on chapter 6, section 4 of the Prisons Act states that reasons for keeping a detainee separated can e.g. be that the detainee experiences threats to themselves. If this has a negative impact on the detainee, e.g. on his or her mental health, it may constitute grounds for separation.³²⁰ According to chapter 6, section 7 of the Prisons Act, a detainee may also be kept separate from other detainees if necessary, in order to e.g. to prevent the detainee from seriously harming another detainee.³²¹

Section 4 of the Ordinance on Prisons states that the detainees must follow specific conditions applicable to the sentence, in order to maintain order or security in the Prison.³²² A detainee must also show respect for personnel and fellow detainees and contribute to maintaining good order. According to the SPPS general advice to section 4 of the Ordinance on Prisons, specific conditions applicable to the

³¹³ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 5, paragraph 2.

³¹⁴ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 1.

³¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 25.

³¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

³¹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

³¹⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 1, section 26.

³¹⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 4.

³²⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general advice on chapter 6 section 4 of the Prisons Act.

³²¹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 6, section 7.

³²² Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 4.

sentence refer to e.g. conditions set out in the detainee's individual sentence plan. A detainee must show respect for other detainees and not subject anyone to harassment or other improper behaviour. By harassment is meant e.g. sexual harassment or harassment due to sexual orientation, ethnic, ideological, or religious affiliation and harassment due to disability.³²³

According to sections 26 and 27 of the SPPS regulations and general advice on Prisons, an individual sentence plan shall be developed for each detainee and should be based on a risk assessment and a needs assessment.³²⁴ 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.³²⁵

As mentioned in part 2 (b) above, according to chapter 2, section 1 of the Prisons Act, 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.³²⁶ According to section 10 of the Ordinance on Prisons, special consideration shall be taken for the need to avoid the inappropriate composition of the detainees.³²⁷ According to the SPPS regulations and general advice on section 10 of the Ordinance on Prisons, 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.³²⁸

c. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: *I samband med inspektionen av häktet Sollentuna kom det fram att ett antal intagna som var misstänkta för relations- och sexualbrott var placerade i avskildhet av säkerhetsskäl. Enligt häktesledningen skulle deras säkerhet äventyras om de placerades på en vanlig gemensamhetsavdelning. Dessa intagna stod därför i kö till en särskild gemensamhetsavdelning i häktet Huddinge. Efter inspektionen uttalade JO att Kriminalvården har ett ansvar att skydda de intagna och att hon därför har förståelse för att det måste vidtas åtgärder för att vid de påstådda förhållandena*

³²³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general advice on section 4 of the Ordinance on Prisons.

³²⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 26-27.

³²⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 32, point 3.

³²⁶ Sweden, [Prisons Act \(Fängelselag \[2010:610\]\)](#), 10 June 2010, chapter 2, section 1.

³²⁷ Sweden, [Ordinance on Prisons \(Fängelseförordning \[2010:2010\]\)](#), 22 December 2010, section 10, paragraph 2.

³²⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general recommendation on section 10 of the Ordinance on Prisons.

skydda intagna som är häktade på grund av misstanke om t.ex. sexualbrott. JO ställde sig däremot tveksam till om häktets tillämpning av bestämmelsen i häkteslagen är förenlig med lagstiftarens avsikt. Enligt JO bör det vara den som utgör ett hot mot en medintagen, är våldsam eller annars utgör en säkerhetsrisk som i första hand genom särskilt beslut blir placerad i avskildhet. Mot bakgrund av denna problematik ansåg JO att det finns anledning för Kriminalvården att inrätta fler särskilda avdelningar där intagna som på grund av den aktuella brottsmisstanken lever under hot i häktet kan få sin rätt att vistas i gemensamhet tillgodosedd.³²⁹

In connection with the inspection of the Sollentuna remand prison, it emerged that a number of inmates who were suspected of relationship and sexual offences were placed in isolation for security reasons. According to the remand prison's management, their safety would be jeopardised if they were to be placed in a regular association ward. These inmates were therefore in a queue to be transferred to a special association ward in the Huddinge remand prison. Following the inspection, the Parliamentary Ombudsman stated that the Prison and Probation Service has a responsibility to protect the inmates and that she therefore understands that measures must be taken to protect inmates who are detained on suspicion of e.g. sexual offences. On the other hand, the Parliamentary Ombudsman expressed doubts as to whether the remand prison's application of the provision in the Act on Detention is compatible with the intention of the legislation. According to the Parliamentary Ombudsmen, it should be the person who poses a threat to a fellow inmate, is violent, or otherwise poses a security risk who that by a decision can be placed in segregation. In light of this situation the Parliamentary Ombudsman expressed that the Prison and Probation Service should consider to establish more special wards where inmates who, due to the alleged criminal offence, live under threat in a remand prison can have their right to association with others met.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.³³⁰ In relation to the protection of detainees from violence, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of remand prisons, it is common that two persons share a cell and that common areas are crowded, increasing the risk for violence among detainees as well as increasing fear of being subjected to violence by other detainees.³³¹ The unequal access to beds and lamps in a shared cell is similarly noted as likely to give rise to conflict.³³²

³²⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 34.

³³⁰ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

³³¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, pp. 3, 15, 16, 19, and 20.

³³² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, nu URL link available, p. 24.

10. Contact with the outside world

a. Visits

Remand Prisons:

According to chapter 3, section 1 of the Remand Prisons Act, detainees may receive visits to the extent that visits can be conveniently arranged. However, a visit may be refused if it may jeopardise security in a way that cannot be dealt with by a control measure such as monitoring of the visit or the visitor submitting to a body search or a superficial body inspection.³³³ The SPPS general advice to chapter 3, section 1 of the Reman Prisons Act states that the expression conveniently arranged (*lämpligen kan ske*) refers to practical conditions for visits, e.g. what is possible with regard to the Remand Prison's procedures and the availability of employees and visiting rooms. When assessing whether visits can be granted, both the risks surrounding the detainee and the visitor should be taken into account. Visits by a person who is serving a prison sentence or who is subject to probation should not normally be granted. The same applies to visits by a person who is suspected of a crime, abuses narcotics or is a member of or otherwise linked to a criminal network or serious organised crime.³³⁴ According to chapter 3 section 1 of the SPPS regulations and general advice on Remand Prisons, visits by relatives must be prioritised when allocating appointments.³³⁵

According to chapter 6, section 2 of the Remand Prison Act, a decision imposing restrictions may also relate to restrictions on the right to receive visits.

Chapter 3, section 2 of the Remand Prisons Act states that if it is necessary for security reasons, a visit may be subject to control through the visit taking place in a visiting room designed to make it impossible to hand over articles or by staff monitoring the visit.³³⁶ Section 9 of the Ordinance on Remand Prisons clarifies that if a visit is monitored without the presence of staff in the room, detainees and visitors must be informed that the visit is being monitored.³³⁷ Chapter 3, section 6 of the SPPS regulations and general advice on Remand Prisons states that detainees and the visitors must be informed if a visit is monitored by video or audio recording.³³⁸ Chapter 3 sections 3-5 and 7 of the SPPS regulations and general advice on Remand Prisons outlines a number of provisions in relation to visits subject to control. According to section 3, a visiting room designed to make it impossible to hand over objects must be used if there is a risk of an unauthorised object being handed over. Section 4 states that the detainee and the visitor may not have physical contact if a visit is subject to control by a special room being used or by staff monitoring the visit, unless there are special reasons. Section 5 outlines that conversations during visits

³³³ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 1.

³³⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 3, section 1 of the Remand Prisons Act.

³³⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 1.

³³⁶ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 2.

³³⁷ Sweden, Ordinance on Remand Prisons ([Häktesförordning \[2010:2011\]](#)), 22 December 2010, section 9.

³³⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 6.

monitored by staff must be conducted in a language understood by the person monitoring it. This applies if it is necessary in view of the purpose of the monitoring. If the conversation cannot be conducted in such a language, an interpreter must be appointed. If, however, the conversation is conducted in a language that is not understood by the person monitoring the visit or by the interpreter, the visit must be terminated unless it is manifestly unnecessary. Section 7 stipulates that a visitor is not allowed to record audio or video in the remand prison without the permission of SPPS.³³⁹

Chapter 3, section 3 of the Remand Prisons Act further states that, if it is necessary for security reasons, a visit may be made conditional on the visitor submitting to a body search or a superficial body inspection.³⁴⁰ Chapter 3, section 7 (a) of the SPPS regulations and general advice on Remand Prisons states that the examining of objects that a visitor wishes to bring to the premises where the visit is to take place must be carried out in the presence of the visitor.³⁴¹

According to chapter 3, section 10 of the Remand Prisons Act, a person who has been placed in a Remand Prison for an investigation of misconduct³⁴² shall be prevented from contact with other persons through visits if this is absolutely necessary to avoid jeopardising the purpose of the investigation.³⁴³ Chapter 3, section 11 states that, if it is necessary to assess whether a visit may be permitted or shall be subject to control, a prior investigation shall be made to find out whether the person with whom the contact is to take place has been convicted or is suspected of a crime or of engaging in criminal activity. To the extent necessary information must also be obtained about his or her personal circumstances in general.³⁴⁴

Provisions on the right of detainees held in Remand Prisons to receive a visit from their public defence counsel are set out in chapter 21, section 9 of the Code of Judicial Procedure. According to this provision, the main rule is that persons arrested or detained must not be denied access to their defence counsel. Defence counsel must be permitted to speak in private to the detainee. However, the leader of the inquiry or the prosecutor may deny a defence counsel other than public defence counsel³⁴⁵ to visit a detainee. This applies if it is to ensure that the investigation of the matter is not significantly impeded or to avert a danger to someone's life, physical health or freedom. The decision must be in writing and must state the reasons on which it is based. The suspect or defence counsel may request the court to review the decision.³⁴⁶

³³⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, sections 3-5 and 7.

³⁴⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 3.

³⁴¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 7 (a).

³⁴² In accordance with chapter 6, section 8, third paragraph of the Prisons Act.

³⁴³ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 10.

³⁴⁴ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 11.

³⁴⁵ Under chapter 21, section 5 of the Code of Judicial Procedure.

³⁴⁶ Sweden, Code of Judicial Procedure ([Rättegångsbalk \[1942:740\]](#)), 18 July 1942, chapter 21, section 9.

Chapter 2, section 2 of the SPPS regulations and general advice on Remand Prisons states that a detainee shall be given the opportunity to contact a representative of his or her religion in an appropriate manner.³⁴⁷

Detainees' access to medical workers is outlined in part 8 above.

Prisons:

According to chapter 7, section 1 of the Prisons Act, a detainee may receive visits to the extent that visiting can be conveniently arranged. However, a visit may be refused if it (1) may jeopardise security in a way that cannot be dealt with by a control measure such as monitoring of the visit or the visitor submitting to a body search or a superficial body inspection, (2) may counteract the detainee's reintegration in society, or (3) may be harmful in some other way for the detainee or another person.³⁴⁸ The SPPS general advice to chapter 7, section 1 of the Prisons Act states that the expression conveniently arranged refers to practical conditions for visits, e.g. what is possible with regard to the Prison's procedures and the availability of employees and visiting rooms. When assessing whether visits can be granted, both the risks surrounding the detainee and the visitor should be taken into account. Visits by a person who is serving a prison sentence or who is subject to probation should not normally be granted. The same applies to visits by a person who is suspected of a crime, abuses narcotics or is a member of or otherwise linked to a criminal network or serious organised crime.³⁴⁹ According to chapter 7 section 1 of SPPS regulations and general advice on Prisons, visits by relatives must be prioritised when allocating appointments.³⁵⁰

Chapter 7, section 2 of the Prisons Act states that a visit may be subject to control through the visit taking place in a visiting room designed to make it impossible to hand over articles or by staff monitoring the visit, if it is necessary for security reasons. A visit by a lawyer who is assisting the detainee in a legal matter may only be controlled if the lawyer or the detainee so requests.³⁵¹ Section 19 of the Ordinance on Prisons states that detainees and visitors must be informed that the visit is being monitored in situations where the staff is not present in the room.³⁵² Chapter 7, sections 5-9 of the SPPS regulations and general advice on Prisons regulate visits subject to control. These provisions correspond to the SPPS regulations and general advice on Remand Prisons outlined under the part on Remand Prisons above.³⁵³ Chapter 7, section 2 of the SPPS regulations and general advice on Prisons states that a detainee may receive visitors in a guest apartment if the conditions for receiving visits in accordance with chapter 7,

³⁴⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 2.

³⁴⁸ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 1.

³⁴⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 7, section 1 of the Prisons Act.

³⁵⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, section 1.

³⁵¹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 2.

³⁵² Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 19.

³⁵³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, sections 5-9.

section 1 of the Prisons Act are met. This applies if the visit is not subject to control through a designed visit room or by staff monitoring. Visits without such control must have previously been carried out.³⁵⁴

Chapter 7, section 3 of the Prisons Act further states that a visit may be made conditional on the visitor submitting to a body search or a superficial body inspection, if this is necessary for security reasons.³⁵⁵ According to chapter 7, section 9 (a) of the SPPS regulations and general advice on Prisons, the examination of objects that a visitor wishes to bring to the premises where the visit is to take place must be carried out in the presence of the visitor.³⁵⁶

According to chapter 7, section 10 of the Prisons Act, a prior investigation must be made to find out whether the person with whom the contact is to take place has been convicted or is suspected of a crime or of engaging in criminal activity. This applies if it is necessary to be able to assess whether a visit can be or must be subject to control. To the extent necessary, information may also be obtained about visitors' personal circumstances in general. Chapter 7, section 11 mandates the government to decide in relation to a particular detainee on exceptions to the provisions on visits and other correspondence if this is necessary having regard to national security or the risk that the detainee during the implementation of the sentence in prison participates in terrorist offences under section 4 of the Terrorist Offences Act (*Terroristbrottslag [2022:666]*).³⁵⁷

Provisions on refusing a detainee contact with another person through a visit are also contained in chapter 6, section 8, of the Prisons Act. The provision states that a detainee who is being held separated from other detainees during an investigation of misconduct may be refused contact with other persons through visits, if this is absolutely necessary to avoid jeopardising the purpose of the investigation.³⁵⁸

Chapter 4, section 6 of the SPPS regulations and general advice on Prisons states that a detainee shall be given the opportunity to contact a representative of his or her religion in an appropriate manner.³⁵⁹

Detainees' access to medical workers is outlined in part 8 above.

b. Correspondence

Remand Prisons:

Electronic communication

³⁵⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 7, section 2.

³⁵⁵ Sweden, Prisons Act (*Fängelselag [2010:610]*), 10 June 2010, chapter 7, section 3.

³⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 7, section 9 (a).

³⁵⁷ Sweden, Prisons Act (*Fängelselag [2010:610]*), 10 June 2010, chapter 7, sections 10 and 11.

³⁵⁸ Sweden, Prisons Act (*Fängelselag [2010:610]*), 10 June 2010, chapter 6, section 8.

³⁵⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 4, section 6.

According to chapter 3 section 4 of the Remand Prisons Act, detainees may be in contact with another person through electronic communication to the extent that this can be conveniently arranged. However, electronic communication may be refused if it may jeopardise security in a way that cannot be dealt with by monitoring. If the detainee has appointed a defence counsel who does not meet the requirements set out in Chapter 2 Section 5, first paragraph of the Code of Judicial Procedure, electronic communication between the detainee and the defence counsel may only be refused if it is necessary to avert danger to someone's life, physical health or freedom. Electronic communication between detainees and their public defence counsels must not be refused. The same applies to electronic communication between detainees and defence counsels appointed by the detainee if the defence counsel meets the requirements set out in Chapter 21, Section 5, first paragraph, of the Code of Judicial Procedure.³⁶⁰ The SPPS general advice to chapter 3 section 4 of the Remand Prisons Act states that expression conveniently arranged refers to practical conditions for electronic communication, e.g. what is possible with regard to the Remand Prison's procedures and the availability of personnel and equipment for such communication. When assessing whether electronic communication can be granted, both the risks surrounding the detainee and the person with whom the detainee is to communicate should be taken into account. Authorisation for such communication with a person who is serving a prison sentence or who is subject to probation should not normally be granted. The same applies to electronic communication with a person who is suspected of having committed a crime, abusing drugs or is a member of or otherwise linked to a criminal network or serious organised crime.³⁶¹

Section 10 of the Ordinance on Remand Prisons³⁶² and chapter 3, section 8 of the SPPS regulations and general advice on Remand Prisons³⁶³ states that electronic communication may only take place with equipment provided or approved by SPPS or the authority responsible for the detention facility.

According to chapter 3 section 5 of the Remand Prisons Act, electronic communication between a detainee and another person may be monitored if this is necessary for security reasons. The persons who are to communicate with each other shall be informed in advance of this control. However, electronic communication between detainees and their public defence counsels may not be monitored.³⁶⁴ Chapter 3, section 12 of the SPPS regulations and general advice on Remand Prisons states that monitoring of electronic communications must take place in real time. The communication may be recorded and monitored afterwards, if that is a sufficient control.³⁶⁵

Items of correspondence

³⁶⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 4.

³⁶¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 3 section 4 of the Remand Prisons Act.

³⁶² Sweden, Ordinance on Remand Prisons ([Häktesförordning \[2010:2011\]](#)), 22 December 2010, section 10.

³⁶³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 8.

³⁶⁴ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 5.

³⁶⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 12.

According to chapter 3, section 6 of the Remand Prisons Act, items of correspondence between detainees and their public defence counsels, Swedish authorities or international organisations that have been recognised by Sweden as competent to receive complaints from private individuals must be forwarded without examination. The same applies to items of correspondence between detainees and defence counsels appointed by the detainee, if the defence counsel meets the requirements set out in Chapter 21. Section 5, first paragraph, of the Code of Judicial Procedure. However, such correspondence to a detainee must not be forwarded and must be retained if there is reason to assume that the information about the sender of the item is incorrect.³⁶⁶

Chapter 3, section 7 of the Remand Prisons Act states that detainees may be refused sending or receiving items of correspondence if this is necessary for good order or security. If a detainee has appointed a defence counsel who does not meet the requirements set out in chapter 21, section 5, first paragraph of the Code of Judicial Procedure, items of correspondence between the detainee and the defence counsel must be forwarded unless it is necessary to refuse forwarding in order to avert danger to someone's life, physical health or freedom.³⁶⁷

Chapter 3, section 15 of the SPPS regulations and general advice on Remand Prisons states that an item of correspondence to or from a detainee must be conveyed on the same day as they arrive at the Remand Prison, if this is possible and the item is not to be examined or retained.³⁶⁸ Chapter 3, sections 16-20 of the SPPS regulations and general advice on Remand Prisons contain detailed provisions on the examination of items of correspondence.

Section 11 of the Ordinance on Remand Prisons states that if an item of correspondence is retained in accordance with chapter 3, sections 6 or 7, the detainee must be informed, unless there are special reasons to the contrary.³⁶⁹

Chapter 3, section 9 of the Remand Prisons Act states that items of correspondence that have been examined shall be released to detainees as soon as possible and no later than when they must no longer be deprived of liberty, unless there are special reasons to the contrary.³⁷⁰

According to chapter 3, section 10 of the Remand Prisons Act, a person who has been placed in a Remand Prison for an investigation of misconduct³⁷¹ must be prevented from contact with other persons through electronic communication or other correspondence if this is absolutely necessary to avoid jeopardising the purpose of the investigation. Chapter 3, section 11 states that if it is necessary to assess whether an electronic communication or other correspondence may be permitted or must be subject to control, a prior investigation shall be made to find out whether the person with whom the contact is to take place has been convicted or is suspected of a crime or of engaging in criminal activity. To the

³⁶⁶ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 6.

³⁶⁷ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 7.

³⁶⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 15.

³⁶⁹ Sweden, Ordinance on Remand Prisons ([Häktesförordning \[2010:2011\]](#)), 22 December 2010, section 11. See also Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011 general advice to section 11 of the Ordinance on Remand Prisons.

³⁷⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 9.

³⁷¹ In accordance with Chapter 6, Section 8, third paragraph of the Prisons Act.

extent necessary information must also be obtained about his or her personal circumstances in general.³⁷²

Prisons:

Electronic communication

According to chapter 7, section 4 of the Prisons Act, a detainee may be in contact with another person through electronic communication to the extent that this can be conveniently arranged. However, electronic communication may be refused if it (1) may jeopardise security in a way that cannot be dealt with by monitoring, (2) may counteract the detainee's reintegration in society, or (3) may be harmful in some other way to the detainee or another person.³⁷³

The SPPS's general advice to chapter 7 section 4 of the Prisons Act states that the expression conveniently arranged refers to practical conditions for electronic communication, e.g. what is possible with regard to the Prison's procedures and the availability of personnel and equipment for such communication. When assessing whether electronic communication can be granted, both the risks surrounding the detainee and the person with whom the detainee is to communicate should be taken into account. Authorisation for such communication with a person who is serving a prison sentence or who is subject to probation should not normally be granted. The same applies to electronic communication with a person who is suspected of having committed a crime, abusing drugs or is a member of or otherwise linked to a criminal network or serious organised crime.³⁷⁴

Chapter 7, section 5 of the Prisons Act states that electronic communication between a detainee and another person may be monitored if this is necessary for security reasons. The persons who are to communicate with each other must be informed in advance of this control. Electronic communication between a detainee and a lawyer representing the detainee in a legal matter may not be monitored.³⁷⁵ According to chapter 7, section 15 of the SPPS regulations and general advice on Prisons, monitoring of electronic communications must take place in real time. However, the communication may be recorded and monitored afterwards, if that is a sufficient control.³⁷⁶

According to section 20 of the Ordinance on Prisons, electronic communication may only take place with equipment provided or approved by SPPS.³⁷⁷ Chapter 7, section 10 of the SPPS regulations and general advice on Prisons states that detainees may use equipment for electronic communication other than

³⁷² Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, sections 10 and 11.

³⁷³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 4.

³⁷⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 7, section 4 of the Prisons Act.

³⁷⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 5.

³⁷⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, section 15.

³⁷⁷ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 20.

such provided by SPPS if they are outside the Prison in connection with hospitalisation or another temporary stay outside an institution.³⁷⁸

Items of correspondence

According to chapter 7 section 6 of the Prisons Act, items of correspondence between detainees and lawyers, Swedish authorities or international organisations that have been recognised by Sweden as competent to receive complaints from private individuals, must be forwarded without examination. If there is reason to assume that the information about the sender of such item to a detainee is incorrect, it may be examined in order to investigate the identity of the sender.³⁷⁹

According to chapter 7, section 7 of the Prisons Act, other items of correspondence to or from detainees in a Prison may be examined if this is necessary for good order or security. The purpose of the examination must be to examine whether the item of correspondence (1) contains any prohibited article, or (2) is part of an ongoing or planned criminal activity, a planned escape or some similar endeavour.³⁸⁰

Chapter 7, section 19 of the SPPS regulations and general advice on Prisons states that an item of correspondence to or from a detainee must be conveyed on the same day as it arrives at the Prison, if this is possible and it is not to be examined or retained.³⁸¹ Chapter 7, sections 20-24 of the SPPS regulations and general advice on Prisons contain detailed provisions on the examination of items of correspondence.³⁸²

Chapter 7, section 8 of the Prisons Act states that items of correspondence that has been examined shall be released to detainees as soon as possible and no later than when they must no longer be deprived of liberty, unless there are special reasons to the contrary.³⁸³ According to section 21 of the Ordinance on Prisons, if an item that has been examined cannot be handed over in close connection with the completion of the examination, detainees must be notified, unless there are special reasons for not doing so.³⁸⁴

³⁷⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, section 10.

³⁷⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 6.

³⁸⁰ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 7.

³⁸¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, section 19.

³⁸² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7, sections 20-24.

³⁸³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 8. See also SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 7, section 8 of the Prisons Act.

³⁸⁴ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 21. See also SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to section 21 of the Ordinance on Prisons.

c. Visits with children

Remand Prisons:

Chapter 1, section 26 of the SPPS regulations and general advice on Remand Prisons states that the needs of children as close relatives of detainees shall be considered in the development of the plan for detention.³⁸⁵ The general advice to this provision clarifies that this may refer to, for example, children's need to maintain contact with parents deprived of liberty. Particular attention should also be paid to the vulnerability of the child.³⁸⁶ As mentioned in the part above, visits by relatives must be prioritised when allocating appointments.³⁸⁷

Prisons:

Chapter 1, section 27 (a) of the SPPS regulations and general advice on Prisons states that the needs of children as close relatives of detainees shall be considered in the development of the individual sentence plan.³⁸⁸ The subsequent general advice states that this may refer to, for example, children's need to maintain contact with parents deprived of liberty. Particular attention should also be paid to the vulnerability of the child. Chapter 1, section 29 regulates the content of the individual sentence plan.³⁸⁹ The general advice to this provision states that measures with regard to section 27 (a) may, for example, involve measures in connection with the detainee's contact with the child or to promote such contact. As mentioned in the part above, visits by relatives must be prioritised when allocating appointments.³⁹⁰ According to the same provision, visits by children must be prioritised when allocating appointments for visits to guest apartments.

Prisons and Remand Prisons:

³⁸⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

³⁸⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26, general advice.

³⁸⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3 section 1.

³⁸⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27 (a).

³⁸⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 29.

³⁹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7 section 1.

The general advice to chapter 3 section 1 of the Remand Prisons Act³⁹¹ and the general advice to chapter 7 section 1 of the Prisons Act³⁹² state that particular consideration should be given to whether the child is related to the detainee in the assessment of whether visits by children can be granted. Other circumstances should also be taken into account, such as the age of the child and the conditions for the visit. The child should normally be accompanied by an adult during the visit. Such an adult can be, for example, another guardian, a person from the social services or someone else in whom the child trusts.³⁹³

As mentioned in the part above, chapter 3 section 3 of the SPPS regulations and general advice on Remand Prisons³⁹⁴ and chapter 7 section 5 of the SPPS regulations and general advice on Prisons³⁹⁵ state that if there is a risk of an unauthorised object being handed over, a visiting room designed to make it impossible to hand over objects must be used, if there are no reasons for not doing so. The general advice to this provision clarifies that reasons against using such visiting rooms can be when children are visiting. Moreover, chapter 3 section 3 of the SPPS regulations and general advice on Remand Prisons and chapter 7 section 5 of the SPPS regulations and general advice on Prisons state that if a visit is subject to control by staff monitoring, the detainee and the visitor may not have physical contact, unless there are special reasons. The general advice to this provision clarifies that special reasons for allowing physical contact can be when children are visiting.

According to chapter 1, section 2 (a) of the SPPS regulations and general advice on Remand Prisons³⁹⁶ and SPPS regulations and general advice on Prisons,³⁹⁷ the best interests of the child must be taken into account in matters concerning children. Assessments concerning the best interests of the child must be based on the individual child's situation. Considerations relating to the best interests of the child must be documented. The reasons for the decision must explain how the best interests of the child have been taken into account in the assessment on which the decision is based. The general advice to the same provisions states that children's views and attitudes should be given weight in accordance with their age and maturity. Children should also be given the opportunity to be heard and to express their opinions,

³⁹¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 3 section 1 of the Remand Prisons Act.

³⁹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 7 section 1 of the Prisons Act.

³⁹³ The general advice to chapter 7, section 26 of SPPS regulations and general advice on Prisons states that if the person with whom the contact is to take place is a child, it is up to the guardian/s to decide whether consent to the contact should be given, according to the rules in the Parental Code. There is no corresponding provision in SPPS regulations and general advice on Remand Prisons.

³⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3 section 3.

³⁹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 7 section 5.

³⁹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1 section 2 (a).

³⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1 section 2 (a).

in cases where it is deemed appropriate. If the children themselves do not express their views, their views should be clarified by other means as far as possible.

d. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: [...] Även rätten att ta emot besök i praktiken hade inskränkts genom att intagna hade placerats i just besöksrum. JO Katarina Pålsson pekade på att hon återkommande understrukt att besök är ett avgörande inslag i en human kriminalvård. Det är inte acceptabelt att överbeläggning eller bristande resurser leder till begränsningar i detta avseende.³⁹⁸

[...] In practice, the right to receive visitors had also been restricted by the fact that inmates had been placed in visiting rooms. Parliamentary Ombudsman Katarina Pålsson pointed out that she has repeatedly emphasised that visits are a crucial element of a humane prison service. It is not acceptable that overcrowding or a lack of resources lead to restrictions in this regard.

National language: [...] Efter granskningen av Kriminalvården uppmanade JO Katarina Pålsson myndigheten att undersöka om det var möjligt att dels låta intagna ta emot besök utomhus, dels skilja intagna och besökare från varandra med skärmar för att minska risken för smittspridning. JO uttryckte även en oro över att den möjlighet till videosamtal med minderåriga barn som infördes inte var tillräcklig för att täcka behovet.³⁹⁹

[...] Following the investigation of the Prison and Probation Service, Parliamentary Ombudsman Katarina Pålsson urged the agency to investigate whether it was possible to allow inmates to receive visits outdoors and to separate inmates and visitors from each other with screens to reduce the risk of infection. The Parliamentary Ombudsman also expressed concern that the possibility of making video calls to underage children was not sufficient to cover the need.

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2022, published 2024, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2022 \(jo.se\)](#).

National language: Vid inspektionen av anstalten Täby visade det sig att möjligheterna för intagna att ta emot besök i anstalten var begränsade, dels för att besökslokalerna också användes för andra ändamål, dels för att besökstiderna var för få och att de upplevdes för korta. Även vid inspektionen av anstalten Luleå var besöksmöjligheterna begränsade bl.a. eftersom anstalten delar besöksrum med

³⁹⁸ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 44-45.

³⁹⁹ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 96.

häktet Luleå. Vid inspektionen av häktet Luleå var de två besöksrummen belagda och det fanns därför ingen möjlighet att ta emot besök varken för intagna i anstalten eller i häktet. Ett av besöksrummen hade varit belagt till och från under hela hösten 2022.

Efter inspektionerna uttalade JO att det inte är godtagbart att beläggningssituationen medför begränsningar i intagnas möjlighet att ta emot besök. Enligt JO är det angeläget att de intagna, särskilt de unga, mer regelbundet kan ta emot besök än vad som var fallet och hon förutsätter att möjligheterna att utöka besökstiderna ses över. När det gäller häktet och anstalten Luleå påtalade JO att Kriminalvården måste säkerställa att det finns tillgång till besöksrum för intagna både i häktet och i anstalten. Eftersom många anhöriga dessutom har långt att resa till anstalten Luleå ansåg JO att det är särskilt viktigt att tillgången till besöksrum inte är beroende av häktet, vars beläggning kan förändras från en dag till en annan.⁴⁰⁰

During the inspection of the prison in Täby, it turned out that the opportunities for inmates to receive visits to the prison were limited, partly because the visiting premises were also used for other purposes, and partly because the visiting hours were too few and that they were perceived as too short. Even during the inspection of the prison in Luleå, the possibilities for visiting were limited, among other things because the prison shares a visiting room with the remand prison. At the time of the inspection of the remand prison in Luleå, the two visiting rooms were occupied and there was therefore no possibility of receiving visits for either inmates in the prison or in the remand prison. One of the visiting rooms had been occupied on and off throughout the autumn of 2022.

After the inspections, the Parliamentary Ombudsman stated that it is not acceptable that the occupancy situation results in restrictions on the inmates' ability to receive visits. According to the Parliamentary Ombudsman, it is important that detainees, especially young adults, can receive visits on a more regular basis than was the case, and she assumes that the possibilities of extending visiting hours will be reviewed. With regard to the remand prison and the prison in Luleå, the Parliamentary Ombudsman pointed out that the Prison and Probation Service must ensure that there is access to visitor rooms for inmates both in the remand prison and in the prison. Since many relatives also have a long way to travel to the Luleå prison, the Parliamentary Ombudsman considered it particularly important that access to visitors' rooms is not dependent on the remand prison, the occupancy of which can change from one day to the next.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.⁴⁰¹ In relation to the quality and adequacy of contacts with the outside world made available to detainees, the NPM refers to Decision 019-2019. The NPM notes that due to the overpopulation of remand prisons, it is common that facilities intended for visits are used to house detainees, negatively impacting the opportunities for visits.⁴⁰²

⁴⁰⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 29.

⁴⁰¹ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁴⁰² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021), The occupancy situation in the Prison and Probation Service (*Beläggningssituationen i Kriminalvården*), reference number 019-2019, 22 April 2021, no URL link available, pp. 14 and 17.

The NPM also refers to Protocol O 20-2022 where it notes the same problem.⁴⁰³

The NPM also refers to Protocol O 23-2023 where it notes a time-consuming process for visitors at arrival in addition to inadequate available spaces for visits.⁴⁰⁴

11. Special measures for female detainees

a. General conditions of detention for women and girls

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.

According to chapter 8, section 7 of the Prisons Act and chapter 4, section 7 of the Remand Prisons Act, 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;⁴⁰⁵

(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.⁴⁰⁶

SPPS regulations and general advice on Prisons⁴⁰⁷ and Remand Prisons⁴⁰⁸ states that body searches and body inspections examined by female staff on male detainees should be avoided to the extent possible.

⁴⁰³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 9.

⁴⁰⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, p. 11.

⁴⁰⁵ 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.

⁴⁰⁶ 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.

⁴⁰⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general recommendations on chapter 8 section 7 Prisons Act.

⁴⁰⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general recommendations on chapter 4, section 7 Remand Prisons Act.

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 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 measure.

Prisons

According to chapter 11 section 22 of SPPS regulations and general advice on Prisons,⁴⁰⁹ 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.⁴¹⁰

b. Separation from men

Remand Prisons and Prisons

According to chapter 2, section 2 of the Prisons Act and the Remand Prisons Act, a detainee may not be placed together with detainees of the opposite sex. 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.⁴¹¹

Remand Prisons

According to chapter 2, section 1 of the Remand Prisons Act, two or more detainees may be placed in the same room if this is necessary for reasons of space or other special reasons. The SPPS regulations and general advice on Remand Prisons⁴¹² states that placing a man and a woman in the same cell is only relevant if they are related.

Furthermore, the SPPS regulations and general advice on Remand Prisons⁴¹³ states that if a detainee cannot 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.

Prisons

In Sweden, women are placed in some of the six Prisons for women.⁴¹⁴

⁴⁰⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 11, section 22.

⁴¹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010,.

⁴¹¹ 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.

⁴¹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general recommendations on chapter 2, section 1 Remand Prisons Act.

⁴¹³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general recommendations on chapter 2, section 2 Remand Prisons Act.

⁴¹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), Prison ([Fängelse](#)), official webpage, accessed 25 April 2024.

c. Hygiene

Remand Prisons and Prisons

SPPS regulations and general advice on Prisons⁴¹⁵ and Remand Prisons⁴¹⁶ states that a detainee must be provided with basic items for personal hygiene. Basic articles for personal hygiene include sanitary towels. Such articles should be provided for normal levels of consumption.⁴¹⁷

d. Healthcare

Remand Prisons and Prisons

The national standards for special healthcare are outlined in part 8 above. These standards are gender neutral.

In addition, SPPS has developed a handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons. The handbook outlines that if a detainee is pregnant and expected to give birth 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.⁴¹⁸

Children accompanying their parents or guardians in Remand Prisons and Prisons must be able to maintain contact with the child care centre 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 centre, establish a plan for contact with the child care centre during the sentence period.⁴¹⁹

⁴¹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 13.

⁴¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13.

⁴¹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 13, general advice; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 13, general advice.

⁴¹⁸ 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.

⁴¹⁹ 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.

e. Pregnancy and women with babies or young children

Remand Prisons and Prisons

According to chapter 2, section 5 of the Prisons Act and chapter 2, section 4 of the Remand Prisons Act, 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.⁴²⁰ Section 11 of the Ordinance on Prisons and section 6 of the Ordinance on Remand Prisons states that permission 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*).⁴²¹ This right accordingly applies to both women and men.

According to the SPPS regulations and general advice on Prisons⁴²² and Remand Prisons⁴²³, 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. Before an infant is separated from a detainee, the Social Welfare Board shall be consulted.⁴²⁴

The handbook on accompanying children and pregnant detainees in Remand Prisons and Prisons outlines that the following equipment must 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.

⁴²⁰ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 4. 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, see Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general recommendations on chapter 2, section 4 Remand Prisons Act.

Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 2, section 5. 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, see Sweden, SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general recommendation on chapter 2, section 5, Prisons Act.

⁴²¹ Sweden, Ordinance on Remand Prisons ([Häktesförordning \[2010:2011\]](#)), 22 December 2010, section 6; and Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 11.

⁴²² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 2, section 7.

⁴²³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 1.

⁴²⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 2, section 8; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 2, section 2.

- **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.⁴²⁵
- **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.
- In Prisons, SPPS must provide a pram to detainees accompanied by a child.⁴²⁶

The handbook also outlines that, if the risk 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.⁴²⁷

f. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.⁴²⁸ The NPM does not refer to special measures provided for women and girls in detention in relation to the protocols and decisions they refer to.

12. Special measures for foreign nationals

a. General measures for foreign nationals

⁴²⁵ 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.

⁴²⁶ 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.

⁴²⁷ 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.

⁴²⁸ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

Remand Prisons:

Consular access

Foreign nationals are entitled to have the consulate or embassy of their country informed of their arrest. Detainees must, without delay, be informed of their right to request that the consulate be informed of the deprivation of liberty and of their possibilities of having communications to the consulate forwarded. If a foreign national has been deprived of liberty on suspicion of a criminal offence, such information must be provided in writing in a language the detainee understands.⁴²⁹ The consul of the detainee's country of origin shall be given an opportunity to visit, to converse and correspond, and to assist in the exercise of the detainee's rights. This applies if the detainee does not oppose it.⁴³⁰

Foreign nationals placed in detention centres under the Aliens Act

The Swedish Migration Agency (*Migrationsverket*) is responsible for, inter alia, operating detention centres⁴³¹ where foreign nationals can be placed pending enforcement of a decision on expulsion or deportation from Sweden. Foreigners may also be detained if necessary to investigate a foreigner's identity.⁴³² Under chapter 10, section 20 of the Aliens Act (*Utlänningslag [2005:716]*), a foreign national held in a detention centre operated by the Swedish Migration Agency may be placed in a Remand Prison, Prison or Police cell under certain circumstances. The decision on placement is made by the Swedish Migration Agency. The placement may take place if:

1. a general court has issued a deporting order on the grounds of a criminal offence;
2. the foreign national is kept in solitary confinement in accordance with chapter 11, section 7 of the Aliens Act and for safety reasons cannot be placed in a special room as referred to in chapter 11, section 2, first paragraph of the Aliens Act;
3. it is necessary for technical reasons of transport, but for a maximum of three days; or
4. there are otherwise exceptional reasons.⁴³³

Chapter 10, section 20 of the Aliens Act also clarifies that a foreign national who has been placed in a Remand Prison, Prison or Police cell under point 2-4, must be held separated from other detainees.

A foreign national placed in a Remand Prison, Prison or Police cell under the Aliens Act is covered by the provisions in the Remand Prisons Act. This is stipulated in chapter 11, section 2 of the Aliens Act⁴³⁴ and chapter 1, section 3 of the Remand Prisons Act.⁴³⁵ The Remand Prisons Act applies regardless of the type of detention facility in which the foreign national is placed, i.e. regardless of whether he or she is placed in a Remand Prison, Prison or Police cell.

⁴²⁹ Sweden, Act on the obligation to provide information, etc. when foreign nationals are deprived of liberty ([Lag \[1989:152\] om underrättelseskyldighet m.m. när utlännningar är berövade friheten](#)), 13 April 1989, section 1.

⁴³⁰ Sweden, Act on the obligation to provide information, etc. when foreign nationals are deprived of liberty ([Lag \[1989:152\] om underrättelseskyldighet m.m. när utlännningar är berövade friheten](#)), 13 April 1989, section 2.

⁴³¹ Sweden, Ordinance with Instructions for the Swedish Migration Agency ([Förordning \(2019:502\) med instruktion för Migrationsverket](#)), 27 June 2019, section 3, point 4.

⁴³² Sweden, Aliens Act ([Utlänningslag \[2005:716\]](#)), 29 September 2005, chapter 19, section 1.

⁴³³ Sweden, Aliens Act ([Utlänningslag \[2005:716\]](#)), 29 September 2005, chapter 10, section 20.

⁴³⁴ Sweden, Aliens Act ([Utlänningslag \[2005:716\]](#)), 29 September 2005, chapter 11, section 2, para 3.

⁴³⁵ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 1, section 3, point 1.

Chapter 11, section 2 of the Aliens Act states that the foreign national must be given the opportunity to have contact with persons outside the institution. Foreign nationals must also otherwise be granted such reliefs and benefits as may be granted in the interests of order and security within the institution.⁴³⁶

The SPPS regulations and general advice on Remand Prisons outline a few specific provisions targeting foreign nationals placed in Remand Prisons or Prisons under the Aliens Act. For example, chapter 3, section 9 states that an application for a telephone permit by a foreign national should not only be regarded as an application within the SPPS's so-called INTIK system, but also as an application outside of the system.⁴³⁷ Chapter 6, section 4 (a) states that a foreign national placed in Remand Prisons or Prisons under the Aliens Act may be granted two phone cards per week, if the detainee is authorised to make calls within or outside the INTIK system. This applies if the foreign national is granted detention allowance under chapter 6, section 2 of the SPPS regulations and general advice on Remand Prisons.⁴³⁸

Prisons:

As mentioned in part 7 above, chapter 3 section 4 of the Prisons Act mandates SPPS to withhold one-tenth of the detainees' remuneration for leave and release purposes. With regard to a person sentenced to deportation, remuneration withheld may be used to pay for a journey to the place to which the foreign national is sent or ordered to travel by an authority.⁴³⁹ Such measure must be documented, and the detainee shall be informed about it.⁴⁴⁰

Transfer of the implementation of a sentence from Sweden to another country

Custodial sentences to which a person has been sentenced in Sweden may, under certain circumstances, be implemented in another state. Depending on the state to which a person is to be transferred, different regulations apply. For most part, the Swedish laws are based on agreements between several different states, for example within the EU or direct agreements between Sweden and another state. A detainee can apply for a transfer from Sweden to another state him/herself. In most cases, a request for transfer is conducted by submitting a request to the SPPS head office. SPPS has a specific application form for this purpose.⁴⁴¹

The Act on mutual recognition and implementation of custodial sentences within the European Union (*Lag [2015:96] om erkännande och verkställighet av frihetsberövande påföljder inom Europeiska*

⁴³⁶ Sweden, Aliens Act ([Utlänningslag \[2005:716\]](#)), 29 September 2005, chapter 11, section 2, para 3. See also chapter 3, section 26 of the SPPS regulations and general advice on Remand Prisons.

⁴³⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 3, section 9.

⁴³⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 6, section 4 (a).

⁴³⁹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 4.

⁴⁴⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 8 (a).

⁴⁴¹ Sweden, Prison and Probation Services (*Kriminalvården*), [Application for transfer of enforcement from Sweden to another country](#), application form.

unionen)⁴⁴² implements the Council Framework Decision 2008/909/JHA of 27 November 2008. Under the Act, SPPS is the competent authority to decide on transfers to another member state. Detainees can be transferred against their will under certain conditions.⁴⁴³ There are also specific regulations covering transfers to Nordic states. SPPS decides on such transfers under the Act concerning co-operation with Denmark, Finland, Iceland and Norway on the implementation of criminal sanctions (*Lag [1963:193] om samarbete med Danmark, Finland, Island och Norge angående verkställighet av straff m.m.*). Under this Act, detainees can be transferred against their will.⁴⁴⁴

Provisions on the transfer of enforcement of sentence to other states is regulated in the Act on International Co-operation in the Implementation of Criminal Sentences (*Lag [1972:260] om internationellt samarbete rörande verkställighet av brottmålsdom*). The Act contains provisions in accordance with the 1970 European Convention on the International Validity of Criminal Judgments and the 1983 Convention on the Transfer of Sentenced Persons. The Act mainly envisages cooperation with states which have acceded to one or both of the conventions, or with states with which Sweden has other bilateral agreements.⁴⁴⁵ SPPS can request transfer to states which have acceded to a convention or with which Sweden has an agreement. In other cases, the Government must give its permission before SPPS can send a request. Detainees can be transferred against their will under certain conditions.⁴⁴⁶

Under the Act on international co-operation in the implementation of criminal sentences, the implementation of a sentence can also be transferred even without commitments under a convention or obligations under an agreement.⁴⁴⁷ Section 3 of the Act states that, if there are extraordinary reasons (*synnerliga skäl*), the Government may decide that the implementation of a sentence imposed in Sweden on a citizen or a person residing in a foreign country may be entrusted to the authority of that state, even if there is no agreement to this effect between the states. This provision gives the Government discretion to decide on the matter. In a case from 2021, the Supreme Administrative Court stated that the Government's decision to reject an application to transfer the implementation of a sentence to another state was not subject to judicial review.⁴⁴⁸

b. Interpretation and translation

⁴⁴² Sweden, Act on mutual recognition and implementation of custodial sentences within the European Union (*Lag [2015:96] om erkännande och verkställighet av frihetsberövande påföljder inom Europeiska unionen*), 26 February 2015.

⁴⁴³ Sweden, Act on mutual recognition and implementation of custodial sentences within the European Union (*Lag [2015:96] om erkännande och verkställighet av frihetsberövande påföljder inom Europeiska unionen*), 26 February 2015, chapter 2, section 3.

⁴⁴⁴ Sweden, Act concerning co-operation with Denmark, Finland, Iceland and Norway on the implementation of criminal sanctions (*Lag [1963:193] om samarbete med Danmark, Finland, Island och Norge angående verkställighet av straff m.m.*), 22 May 1963.

⁴⁴⁵ Sweden, Act on international co-operation in the implementation of criminal sentences (*Lag [1972:260] om internationellt samarbete rörande verkställighet av brottmålsdom*), 2 June 1972, sections 1-2.

⁴⁴⁶ See for example Sweden, Act on international co-operation in the implementation of criminal sentences (*Lag [1972:260] om internationellt samarbete rörande verkställighet av brottmålsdom*), 2 June 1972, sections 25 (a-b).

⁴⁴⁷ Sweden, Act on international co-operation in the implementation of criminal sentences (*Lag [1972:260] om internationellt samarbete rörande verkställighet av brottmålsdom*), 2 June 1972, section 3.

⁴⁴⁸ See part II on national case law below.

Remand Prisons and Prisons:

According to section 13 of the Administrative Procedure Act (*Förvaltningslag [2017:900]*), a government agency must use an interpreter and ensure that documents are translated if this is necessary for the individual to be able to exercise his or her rights when the agency is in contact with someone who does not speak Swedish.⁴⁴⁹ Interpretation and translation are therefore mandatory in situations where the individual needs such assistance in order to be able to defend his or her rights. Ultimately, it is the government agency, in this case SPPS, that decides whether and to what extent there is a need for an interpreter or translation in an individual case. SPPS is also responsible for the cost of an interpreter or translation.⁴⁵⁰

In addition, section 2 of the Ordinance on Remand Prisons⁴⁵¹ and the Ordinance on Prisons⁴⁵² state that detainees shall be informed of how the sentence will be implemented in a language they understand when they are taken into a detention facility. The SPPS regulations and general advice on Remand Prisons and Prisons also contain provisions on the use of interpreter in certain situations. Chapter 1, section 2 of the SPPS regulations and general advice on Remand Prisons⁴⁵³ and Prisons⁴⁵⁴ state that detainees must be informed of, among other things, their rights and obligations in the Remand Prison and Prison. The general advice to the provision states that the information should be provided in a language that the detainee understands, preferably in writing.

Chapter 3, section 5 of the SPPS regulations and general advice on Remand Prisons⁴⁵⁵ and chapter 7, section 7 of the of the SPPS regulations and general advice on Prisons⁴⁵⁶ stipulate that an interpreter must be used during a visit monitored by personnel if it is not possible to conduct the conversation during the visit in a language understood by the person monitoring it. In addition, chapter 3, section 13 of the SPPS regulations and general advice on Remand Prisons⁴⁵⁷ and chapter 7, section 16 of the of the SPPS regulations and general advice on Prisons⁴⁵⁸ state that electronic communications monitored by

⁴⁴⁹ Sweden, Administrative Procedure Act (*Förvaltningslag [2017:900]*), 28 September 2017, section 13.

⁴⁵⁰ Sweden, Prison and Probation Services (*Kriminalvården*) (2018) SPPS's administrative handbook (*Kriminalvårdens förvaltningshandbok*), 2018:12, p. 11.

⁴⁵¹ Sweden, Ordinance on Remand Prisons (*Häktesförordning [2010:2011]*), 22 December 2010, section 2.

⁴⁵² Sweden, Ordinance on Prisons (*Fängelseförordning [2010:2010]*), 22 December 2010, section 2.

⁴⁵³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 1, section 10.

⁴⁵⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 1, section 10.

⁴⁵⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 3, section 5.

⁴⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 7, section 7.

⁴⁵⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 3, section 13.

⁴⁵⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 7, section 16.

personnel must be conducted in a language understood by the person monitoring the communication, unless it is clearly unnecessary.

c. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

National language: [...] JO har under många år granskat förhållandena för den grupp av förvarstagna som placeras hos Kriminalvården. Det har lett till flera kritiska uttalanden från JO:s sida och till att regeringen flera gånger uppmärksamats på behovet av ändrade regler.⁴⁵⁹ Sverige har också från internationellt håll rekommenderats att upphöra med att placera personer som är förvarstagna med stöd av utlänningslagen hos Kriminalvården.⁴⁶⁰

Efter en inspektionsserie 2017 konstaterade dåvarande chefsJO Elisabeth Rynning att förvarstagna fortfarande vistades under avsevärt sämre förhållanden än de som var placerade i Migrationsverkets förvar.⁴⁶¹ Vid inspektionerna av fem häkten kom det fram att det fanns förvarstagna som hade varit placerade i häkte från cirka en vecka upp till ett och ett halvt år. I vissa fall kunde en förvarstagen som var placerad i häkte vara inlåst i sitt bostadsrum 23 timmar om dygnet. [...] ChefsJO beslutade att inleda en granskning av förvarstagna som placeras hos Kriminalvården och utgångspunkten för utredningen var främst att belysa situationen för s.k. säkerhetsplacerade förvarstagna.⁴⁶²

[...] ChefsJO uttalade att det enligt henne är uppenbart att de förvarstagna som säkerhetsplaceras på verksamhetsställen inom kriminalvården som inte särskilt har anpassats för dem, löper stor risk att bli isolerade.⁴⁶³ Vidare underströk chefsJO att det inte är acceptabelt att strukturella brister i Kriminalvårdens verksamhet leder till att förvarstagna förvägras sin rätt att vistas i gemensamhet med andra. Hon pekade på vikten av att Kriminalvården arbetar aktivt för att kunna tillhandahålla verksamhetsställen där säkerhetsplacerade förvarstagna ges förutsättningar att vistas i gemensamhet. [...] ChefsJO uttalade att det får anses utgöra en betydande frihetsinskränkning för den som väntar på att utvisas eller avvisas till ett annat land, att inte genom tillgång till internet och mobiltelefon exempelvis kunna ta del av nyheter och hålla sig underrättad om förhållandena i det aktuella landet eller stå i kontakt med närstående som befinner sig där.

[...]

ChefsJO konstaterade att majoriteten av förvarstagna som placeras hos Kriminalvården fortfarande vistas under avsevärt sämre förhållanden än de som är placerade i Migrationsverket förvar. Situationen för de säkerhetsplacerade framstod som särskilt oroande. Kriminalvården råder inte över beslutet att säkerhetsplacera en förvarstagen, och inte heller över hur länge placeringen består. Det är dock Kriminalvårdens ansvar att se till att den som placeras i något av myndighetens verksamhetsställen behandlas på det sätt som regelverket kräver. ChefsJO såg mycket allvarligt på att Kriminalvården inte

⁴⁵⁹ Original footnote: See JO 2011/12 p. 314, JO 2014/15 p. 216 and JO 2019/20 p. 623.

⁴⁶⁰ Original footnote: See CPT/Inf[2016] 1, p. 72.

⁴⁶¹ Original footnote: See JO's protocol in, among other, number 416-2017 and 581-2017.

⁴⁶² Original footnote: See JO 2021/22 p. 221.

⁴⁶³ Original footnote: See JO 2020/21 p. 164.

har nått längre i detta arbete. Hon var av uppfattningen att regeringen måste se över hur regelverket för förvarstagna fungerar i praktiken samt att det behöver klargöras hur de förvarstagnas lagstadgade rättigheter vid placering hos Kriminalvården ska kunna tillgodoses. Det finns enligt chefsJO även anledning att starkt ifrågasätta om förvarstagna som inte ska utvisas på grund av brott över huvud taget ska placeras inom kriminalvården. Om detta ändå anses lämpligt behöver lagregleringen av deras rättigheter förtydligas, bl.a. när det gäller rätten till vistelse i gemensamhet och till kontakter med omvärlden.⁴⁶⁴

[...] For many years, the Parliamentary Ombudsmen have examined the conditions for the group of migration detainees placed with the Prison and Probation Service. This has led to several critical statements from the Parliamentary Ombudsmen and to the Government being made aware of the need for changed rules several times. Sweden has also been recommended by the international community to cease placing persons detained under the Aliens Act with the Prison and Probation Service.

After a series of inspections in 2017, then Chief Parliamentary Ombudsman Elisabeth Rynning found that detainees were still in significantly worse conditions than those placed in the Migration Agency's detention centre.²⁸ During the inspections of five remand prisons, it emerged that there were detainees who had been placed in remand prison from about a week up to a year and a half. In some cases, a migration detainee who was placed in remand prison could be locked in their resident room 23 hours a day. [...] The Chief Parliamentary Ombudsman decided to initiate an investigation of migration detainees placed with the Prison and Probation Service, and the starting point for the investigation was primarily to shed light on the situation of so-called security placed detainees.

[...] The Chief Parliamentary Ombudsman stated that, in her view, it is obvious that detainees who are security placed in establishments within the Prison and Probation Service that have not been specially adapted for them are at great risk of becoming isolated. Furthermore, the Chief Parliamentary Ombudsman emphasised that it is not acceptable that structural shortcomings in the Prison and Probation Service's operations lead to detainees being denied their right to associate with others. She pointed out the importance of the Prison and Probation Service working actively to be able to provide establishments where detainees placed in security are given the opportunity for association with others. [...] The Chief Parliamentary Ombudsman stated that it may be regarded as a significant restriction of freedom for those waiting to be expelled or returned to another country not to be able to use the internet and mobile phones to, for example, access news and keep themselves informed about the conditions in the country in question or to be in contact with relatives there.

[...]

The Chief Parliamentary Ombudsman noted that the majority of detainees placed with the Prison and Probation Service are still staying in significantly worse conditions than those placed in the Swedish Migration Agency's detention centres. The situation of those placed due to security reasons was particularly worrying. The Prison and Probation Service has no control over the decision to place a detainee in security, nor over how long the placement lasts. However, the Prison and Probation Service is responsible for ensuring that a person who is placed in one of the agencies' establishments is treated in accordance with the regulatory framework. In the Chief Parliamentary Ombudsman view it was very serious that the Prison and Probation Service has not made more progress in this work. She was of the opinion that the Government must review how the regulatory framework for detainees work in practice

⁴⁶⁴ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 41-43.

and that it needs to be clarified how the detainees' legally protected rights can be met when placed with the Prison and Probation Service. According to the Chief Parliamentary Ombudsman, there is also reason to strongly question whether detainees who are not being expelled on account of a criminal offence should be placed with the Prison and Probation Service in the first place. If this is nevertheless considered appropriate, the legislation covering migration detainees rights needs to be clarified, including with regard to the right to associate with others and to contact the outside world.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.⁴⁶⁵ In relation to measures provided for foreign nationals in detention the NPM refers to Protocol O 23-2023 where it notes that comprehensive introductory information to detainees is provided only in Swedish and that interpreters are only engaged as a last resort.⁴⁶⁶

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

Special residential homes for young persons

In Sweden, extraordinary reasons are required before a child under the age of 18 can be sentenced to Prison.⁴⁶⁷ Instead, children between 15-17 years old who commit a serious crime are often sentenced to institutional care of young offenders, in accordance with the Act on the Enforcement of Closed Youth Care (*Lag [1998:603] om verkställighet av sluten ungdomsvård*).⁴⁶⁸ These institutions are called special residential homes for young persons (*särskilda ungdomshem*) and are run by the Swedish National Board of Institutional Care (*Statens institutionsstyrelse, SIS*).⁴⁶⁹ Young persons who are cared for under Section 3 of the Act with special provisions on the care of young persons (*Lag [1990:52] med särskilda bestämmelser om vård av unga*)⁴⁷⁰ are also placed in special residential homes for young persons. Currently, there are five special residential homes for young persons with 87 places intended for young persons who have been sentenced to institutional care of young offenders.⁴⁷¹

It should be noted that in 2023, the Government assigned SPPS to prepare for the establishment of special units for children aged 15-17. The so called "youth prisons" are to replace the special residential

⁴⁶⁵ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁴⁶⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, p. 14.

⁴⁶⁷ Sweden, Swedish Criminal Code (*Brottsbalk (1962:700)*), 21 December 1962, chapter 32, section 5.

⁴⁶⁸ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998.

⁴⁶⁹ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 3.

⁴⁷⁰ Sweden, Act with special provisions on the care of young persons ([Lag \[1990:52\] med särskilda bestämmelser om vård av unga](#)), 8 March 1990.

⁴⁷¹ Sweden, Prison and Probation Services (*Kriminalvården*), Institutions with places intended for closed youth care ([Institutioner med platser för sluten ungdomsvård](#)), official webpage, accessed 28 May 2024.

homes for young persons for which the National Board of Institutional Care is currently responsible. These special units shall be ready for operation by 1 July 2026.⁴⁷²

Remand Prisons and Prisons

According to SPPS, a detainee is considered young if the person is registered/enrolled in a Prison or Remand Prison before the age of 21 years old.⁴⁷³ A detainee is considered a “young person” during the entire execution of the sentence or until the person turns 24 years old.⁴⁷⁴

However, the national standards for Prisons and Remand Prisons only differentiate between adults and children. According to section 1, section 3 of the SPPS regulations and general advice on Prisons⁴⁷⁵ and Remand Prisons,⁴⁷⁶ a person under the age of 18 is to be considered a child.

b. General measures for detained children and young adults

Special residential homes for young persons

As mentioned in part 13 (a) above, children between 15-17 years old who commit a serious crime can be sentenced to institutional care of young offenders. The national standards for children held in such institutional care are outlined in the Act on the Enforcement of Closed Youth Care.⁴⁷⁷ According to section 13 of the Act, a detainee may be prevented from leaving the special residential home and otherwise be subject to the restriction of freedom of movement that is necessary for the implementation of the sentence.⁴⁷⁸ Section 14 states that the implementation of the sentence must in the beginning be implemented in a lockable ward.⁴⁷⁹ Section 2 states that the implementation of the sentence must be designed to promote the detainee's reintegration into society and to counteract any harmful consequences of deprivation of liberty.⁴⁸⁰ Section 3 states that the implementation of the sentence must be planned and carried out after consultation with the municipal Social Welfare Board (*socialnämnd*). An individual sentence plan must be developed.⁴⁸¹ The Act also regulates the use of

⁴⁷² Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Prepare for the establishment of special units for children aged 15-17 within the Prison and Probation Services ([Förbereda inrättandet av särskilda enheter för unga i åldern 15-17 år inom Kriminalvården](#)), 28 September 2023.

⁴⁷³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁴⁷⁴ Sweden, Prison and Probation Services (*Kriminalvården*) (2016) [Annual report for 2016 \(Årsredovisning 2016\)](#), p. 45.

⁴⁷⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 3.

⁴⁷⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 3.

⁴⁷⁷ Sweden, Act on the Enforcement of Closed Youth Care ([Laq \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998.

⁴⁷⁸ Sweden, Act on the Enforcement of Closed Youth Care ([Laq \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 13.

⁴⁷⁹ Sweden, Act on the Enforcement of Closed Youth Care ([Laq \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 14.

⁴⁸⁰ Sweden, Act on the Enforcement of Closed Youth Care ([Laq \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 3.

⁴⁸¹ Sweden, Act on the Enforcement of Closed Youth Care ([Laq \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 2.

solitary confinement (*avskildhet*),⁴⁸² care in solitary confinement (*vård i avskildhet*),⁴⁸³ restrictions on the use of electronic communications services,⁴⁸⁴ restrictions on visits,⁴⁸⁵ preparation for a life in freedom,⁴⁸⁶ and provisions on health and medical care.⁴⁸⁷

Remand Prisons and Prisons

According to chapter 1, section 2 (a) of the SPPS regulations and general advice on Prisons⁴⁸⁸ and Remand Prisons,⁴⁸⁹ 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. 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.⁴⁹⁰ In addition, considerations relating to the best interests of the child must be documented. The grounds for the decision must explain how the best interests of the child have been taken into account in the assessment on which the decision is based.⁴⁹¹

The SPPS general advice on the provision in chapter 1, section 2 (a) states that the child's views and opinions should be given due weight in accordance with the age and maturity of the child. In order to investigate what is in the best interests of a child, the child should, in cases where it is deemed appropriate, be given the opportunity to be heard and to express his or her opinion on the matter. If

⁴⁸² Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 17.

⁴⁸³ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 14 (a).

⁴⁸⁴ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, sections 16- 16 (c).

⁴⁸⁵ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, sections 16 (e)-(h).

⁴⁸⁶ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 18 (a).

⁴⁸⁷ Sweden, Act on the Enforcement of Closed Youth Care ([Lag \(1998:603\) om verkställighet av sluten ungdomsvård](#)), 11 June 1998, section 19.

⁴⁸⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 2a.

⁴⁸⁹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 2 (a).

⁴⁹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on 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 on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 25-26.

⁴⁹¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 2a; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 2 (a).

the child does not express his or her views, his or her position should be clarified by other means as far as possible.⁴⁹²

According to chapter 10, section 20 of the Aliens Act, children placed in detention under the Aliens Act may not be placed in a Remand Prison, Prison or Police Cell.⁴⁹³

Remand Prisons

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.⁴⁹⁴

According to chapter 2, section 5 (a) of the Remand Prisons Act, 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.⁴⁹⁵

Police Custody Facilities

According to section 6 (a) of the Act on Special Provisions for Young Offenders (*Lag [1964:167] om unga lagöverträdare*), a person who has not reached the age of eighteen and who is arrested or detained may be detained in police custody facilities only if absolutely necessary.⁴⁹⁶

c. Separation from adults

Remand Prisons and Prisons

According to the Prisons Act and the Remand Prisons Act, a detainee 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.⁴⁹⁷ SPPS reports that the agency has a few dedicated departments in both Prisons and Remand Prisons for detainees under the age of 18.⁴⁹⁸

Remand Prisons

⁴⁹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, chapter 1, section 2a, general advice; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, , chapter 1, section 2 (a) general advice.

⁴⁹³ Sweden, Aliens Act (*Utlänningslag [2005:716]*), 29 September 2005, chapter 11, section 20.

⁴⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 1, section 26.

⁴⁹⁵ Sweden, Remand Prisons Act (*Häkteslag [2010:611]*), 10 June 2010, chapter 2, section 5a.

⁴⁹⁶ Sweden, Act on Special Provisions for Young Offenders (*Lag [1964:167] om unga lagöverträdare*), section 6 (a), 1 July 2021.

⁴⁹⁷ Sweden, Remand Prisons Act (*Häkteslag [2010:611]*), 10 June 2010, chapter 2, section 3; and Sweden, Prisons Act (*Fängeslag [2010:610]*), 10 June 2010, chapter 2, section 3.

⁴⁹⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

The Remand Prisons Act states that 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.⁴⁹⁹

The SPPS regulations and general advice on Remand Prisons states that 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.⁵⁰⁰

d. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

Police Authority

National language: *Den som inte har fyllt arton år och som är gripen eller anhållen får enligt 6 a § lagen med särskilda bestämmelser om unga lagöverträdare (LUL) hållas i förvar i polisarrest endast om det är absolut nödvändigt. Bestämmelsen trädde i kraft den 1 juli 2021.*

[...]

Vid inspektionen av arresten Malmö kom det fram att det fanns ett möblerat rum i anslutning till arresten där barn som är gripna eller anhållna kan placeras och hållas under bevakning. Det kom också fram att barn ibland placerades i en cell i arresten om barnet blev kvar över natten, det var platsbrist i häktet eller Polismyndigheten inte kunde avsätta personal för bevakning av barnet i det särskilda rummet.

Efter inspektionen uttalade JO att bestämmelsen i 6 a § LUL och de tydliga intentioner som finns med lagstiftningen ställer krav på Polismyndigheten att planera och ha kapacitet för att flera, ibland många, barn samtidigt är gripna eller anhållna. I en stor stad som Malmö torde detta inte sällan vara fallet. Enligt JO framstod Polismyndighetens lokaler i arresten Malmö och den organisation som fanns vid tidpunkten för inspektionen som underdimensionerade för att hantera barn som är gripna eller anhållna. Förhållandena kan leda till att barn hålls i förvar i arresten även i andra fall än i de undantagssituationer som lagstiftaren avsett. Det är enligt JO inte acceptabelt.⁵⁰¹

⁴⁹⁹ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 2, section 3.

⁵⁰⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 2, section 3 of the Remand Prisons Act.

⁵⁰¹ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 26.

A person under the age of eighteen who has been arrested or detained may, according to Section 6 a of the Young Offenders Act (LUL), be held in police custody only if it is absolutely necessary. The provision entered into force on 1 July 2021.

[...]

During the inspection of the Malmö police custody facility, it emerged that there is a furnished room adjacent to the custody facility where children who are arrested or detained can be placed and kept under surveillance. It also emerged that children were sometimes placed in a cell in the police custody facility if the child stayed overnight, there was overcrowding in the remand prison, or the Police Authority could not allocate staff to monitor the child in the special room.

Following the inspection, the Parliamentary Ombudsmen stated that the provision in Section 6 a of the Young Offenders Act and the clear intentions of the legislation require the Police Authority to plan and have the capacity to ensure that several, sometimes many, children are arrested or detained at the same time. In a large city like Malmö, this is often the case. According to the Parliamentary Ombudsmen, the Police Authority's premises in the Malmö police custody facility and the organisation that existed at the time of the inspection appeared to lack capacity to handle children who are arrested or detained. These circumstances may lead to children being held in the police custody facility even in cases other than those intended by the legislator. The Parliamentary Ombudsmen finds this unacceptable.

Swedish National Board of Institutional Care

National language: Vid inspektionen av ungdomshemmet Fagared uppmärksammades att en manlig anställd nyligen dömts för våldtäkt av en intagen flicka i hemmets lokaler.

[...]

Även två anställda vid ungdomshemmet Brättegården har dömts för våldtäkt av ungdomar under senare år.

[...]

Med anledning av de iakttagelser som gjordes vid inspektionerna av de båda ungdomshemmen uttalade JO att SiS behöver se över vilka åtgärder som bör vidtas för att förebygga att det sker sexuella övergrepp i ungdomshemmen.⁵⁰²

During the inspection of the special residential home for young people Fagared, it was noted that a male employee had recently been convicted of raping a girl in custody on the home's premises. [...]

Two employees at the special residential home for young people Brättegården have also been convicted of raping young people under care in the home in recent years.

[...]

Based on the observations made during the inspections of the two youth homes, the Parliamentary Ombudsmen stated that the National Board of Institutional Care needs to review what measures should be taken to prevent sexual abuse from occurring in the youth homes.

National language: I januari 2021 aviserade SiS att myndigheten avsåg att sluta vårda LSU-ungdomar tillsammans med LVU-ungdomar inom hela myndigheten. Vid inspektionerna av ungdomshemmen Fagared och Sundbo kom det emellertid fram att dessa kategorier av ungdomar fortfarande vårdades

⁵⁰² Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 55.

tillsammans på avdelningar avsedda för särskilt vårdkrävande pojkar. Det kan t.ex. betyda att ungdomar som är dömda till sluten ungdomsvård och lever med en hotbild placeras på samma avdelning som utagerande LVU-ungdomar. Även vid ungdomshemmet Brättegården vårdades flickor som verkställde straff enligt LSU tillsammans med LVU-ungdomar. Både ungdomar och personal vid hemmen ifrågasatte att myndigheten fortsatt vårdade dessa kategorier av ungdomar tillsammans, bl.a. ur ett trygghets- och säkerhetsperspektiv.⁵⁰³

In January 2021, the National Board of Institutional Care announced that the authority intended to stop placements of young persons under the Secure act (LSU) alongside young persons in care pursuant to the Care of Young Persons Act (LVU). However, during the inspections of the special residential homes for young people Fagared and Sundbo, it emerged that these categories of young persons were still being cared for together in wards intended for boys requiring particularly demanding care. This may mean, for example, that young persons who are sentenced to secure youth care and live under threat are placed in the same ward as young persons in LVU care who are acting out. At the special residential home for young people Brättegården, girls serving sentences pursuant to the Secure Youth Care Act were cared for together with young persons in LVU care. Both young persons and staff at the homes questioned that the authority continued to care for these categories of young persons together, including from a safety and security perspective.

National language: Av både LVU och LSU framgår att personalen vid de särskilda ungdomshemmen har befogenhet att vidta vissa i lag angivna tvångsåtgärder mot de unga som vistas vid hemmen.

[...]

JO drog slutsatsen att de beslut som beskrev fasthållningar som avbrutits efter kort tid faller inom ramen för nödrätten. Bestämmelserna i LVU respektive LSU är inte tillämpliga i dessa fall och därför ska beslut om avskiljande inte fattas utan det inträffade bör rapporteras som en incident.

Med anledning av att en ungdom i ungdomshemmet Brättegården hållits fast på golvet i sitt bostadsrum i 18 minuter, uttalade JO att ingripandet i sig framstod som en allvarlig kränkning av den unges integritet. En försvårande omständighet var att åtgärden vidtogs i bostadsrummet där ungdomen har rätt att känna sig trygg. JO reagerade även på ett avskiljandebeslut i ungdomshemmet Vemyra där det kom fram att en anställd suttit gränsle över och hållit fast en flicka som låg på mage i en säng i ett bostadsrum. I ungdomshemmet Fagared hade ungdomar ibland avskilts i ett korridorsliknande utrymme. Enligt JO bör ett ungdomshem använda sig av lokaler som är särskilt ämnade för ändamålet vid sådana tvångsåtgärder, och det är därför mindre lämpligt att använda något annat utrymme, som ett bostadsrum eller en korridor. JO underströk även att det finns ett lagkrav att personalen under ett avskiljande ska hålla ungdomen under löpande uppsikt.

[...]

JO framhöll SiS skyldighet att se till att de särskilda ungdomshemmen är utformade på ett sådant sätt att personalen har en faktisk möjlighet att hålla en ungdom i avskildhet. Bristande utformning får aldrig leda till att personalen ser sig tvungen att vidta åtgärder som inte har stöd i LVU och LSU, som t.ex. fasthållning. JO drog slutsatsen att Brättegården är i behov av fler rum för avskiljande. Ett liknande problem observerades i ungdomshemmet Vemyra. Detta föranledde JO att dra slutsatsen att även det hemmet är i behov av fler rum för avskiljande.

⁵⁰³ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, p. 57.

Slutligen uttalade JO med anledning av det som kommit fram vid inspektionerna att han utgick från att SiS omgående skulle se över tillämpningen av bestämmelserna om avskiljande i LVU och LSU. Han påminde dessutom om att SiS tidigare uppmanats att vidta åtgärder i form av utbildningsinsatser och allmänna diskussioner om var gränserna för de särskilda befogenheterna går.⁵⁰⁴

It is clear from both the Care of Young Persons Act and the Secure Youth Care Act that the staff at the special residential homes for young people have the authority to take certain coercive measures provided by law against the young persons who stay at the homes.

[...]

The Parliamentary Ombudsmen concluded that decisions describing pinning down interrupted over a short period of time fall within the scope of legal authority. The provisions of the Care of Young Persons Act and Secure Youth Care Act are not applicable in these cases and therefore a decision on segregation should not be made, but the episode should be reported as an incident.

Because a young person in the special residential home for young people Brättegården had been pinned down on the floor of their resident room for 18 minutes, the Parliamentary Ombudsmen stated that the intervention in itself appeared to be a serious violation of the young person's privacy. One aggravating circumstance was that the measure was taken in the resident room where the young person has the right to feel safe. In this context the Parliamentary Ombudsmen also reacted to a decision on segregation in the special residential home for young people Vemyra in which it emerged that an employee had straddled and pinned down a girl lying on her stomach in a bed in a resident room. In the special residential home for young people Fagared, young persons had sometimes been segregated in a corridor-like space. According to the Parliamentary Ombudsmen, a youth home should use premises specifically intended for the purpose of such coercive measures, and it is therefore less appropriate to use some other space, such as a resident room or a corridor. The Parliamentary Ombudsmen also emphasised that there is a legal requirement that staff must keep the young person under constant supervision during segregation.

[...]

The Parliamentary Ombudsmen emphasised the National Board of Institutional Care's obligation to ensure that special residential homes for young people are designed in such a way that the staff have a real possibility to keep a young person segregated. Inadequate design must never lead to staff being forced to take measures that are not supported by the Care of Young Persons Act and Secure Youth Care Act, such as pinning down. The Parliamentary Ombudsman concluded that Brättegården is in need of more rooms for segregation. A similar problem was observed in the special residential home for young people Vemyra. This led the Parliamentary Ombudsman to conclude that this home is also in need of more rooms for segregation.

Finally, in view of the findings of the inspections, the Parliamentary Ombudsman stated he assumed that the National Board of Institutional Care would immediately review the application of the provisions on segregation in Care of Young Persons Act and Secure Youth Care Act. He also reminded that the National Board of Institutional Care had previously been encouraged to take measures in the form of training activities and general discussions about the limits of the special powers.

⁵⁰⁴ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 57-59.

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2022, published 2024, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2022 \(jo.se\)](#).

National language: Sedan den 1 juli 2021 har ett anhållet eller häktat barn som är intaget i häkte rätt att vistas med personal eller någon annan minst fyra timmar varje dag, se 2 kap. 5 a § häkteslagen (2010:611). Syftet är att förebygga att barn isoleras. I förarbetena anges bl.a. att rättigheten gäller utan undantag och att den i första hand ska tillgodoses genom vistelse med kriminalvårdspersonal. Vilka kontakter som kan räknas som vistelse med annan får avgöras från fall till fall. Avgörande är att kontakten är sådan att den är isoleringsbrytande och att det är fråga om mänsklig kontakt som är meningsfull. Det kan förutom kontakter med kriminalvårdare vara kontakter med t.ex. andra intagna, familjemedlemmar, skola, socialtjänst eller frivilligaktörer.⁵⁰⁵

Vid inspektionen av häktet Sollentuna var ett barn och 41 unga intagna i häktet.

[...]

Efter inspektionen uttalade JO att bestämmelsen i häkteslagen ställer krav på Kriminalvården att planera och ha kapacitet för att flera, ibland många, barn samtidigt tas in i ett häkte. Vidare pekade hon på att utgångspunkten är att häktade barn i första hand ska vistas med kriminalvårdare som är vana att möta barn i den påfrestande situation som frihetsberövandet innebär. Kapaciteten och organisationen i häktet Sollentuna är enligt JO uppenbarligen underdimensionerad för att kunna ge isoleringsbrytande åtgärder till det antal barn, sju stycken, som Kriminalvårdens region Stockholm ställt upp. Under helgerna räcker dessutom resurserna endast till ett fåtal barn. JO uttalade vidare att denna situation naturligtvis är helt oacceptabel och att hon förutsätter att Kriminalvården vidtar de åtgärder som behövs för att tillgodose att alla barn i häktet får sin lagliga rätt att vistas med personal eller annan minst fyra timmar varje dag.⁵⁰⁶

JO noterade vidare att det av inhämtade uppgifter vid inspektionen av häktet Sollentuna framgick att polisförhör redovisas som vistelse med annan och därmed som en slags isoleringsbrytande åtgärd. Enligt JO:s mening bör utgångspunkten för vad som utgör en meningsfull kontakt ses ur barnets perspektiv, inte det allmännas. Därför uttryckte JO att hon är mycket tveksam till att polisförhör kan betraktas som en sådan meningsfull kontakt som förarbetena tar sikte på.⁵⁰⁷

Since 1 July 2021, an arrested or detained child who has been held in remand has the right to spend at least four hours with staff or someone else every day, see Chapter 2. Section 5a of the Remand Prisons Act (2010:611). The aim is to prevent children from being isolated. The preparatory works [to the revised Act] state, among other things, that the right applies without exception and that it is primarily to be fulfilled through staying together with prison staff. Which contacts can be counted as staying together with others may be decided on a case-by-case basis. It is crucial that the contact is such that it breaks

⁵⁰⁵ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, pp. 22-23. Original footnote: See government bill 2019/20:129 p. 40–44 and p. 64

⁵⁰⁶ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 23.

⁵⁰⁷ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 24.

isolation and that it involves meaningful human interaction. In addition to contacts with prison officers, this can include contacts with e.g. other inmates, family members, schools, social services or volunteers.

During the inspection of the remand prison in Sollentuna, one child and 41 young adults were detained in the remand prison.

[...]

Following the inspection, the Parliamentary Ombudsman stated that the provision in the Remand Prisons Act requires the Prison and Probation Service to plan and have the capacity for several, sometimes many, children to be held in remand at the same time. Furthermore, she pointed out that the starting point is that detained children should primarily stay with correctional officers who are used to meeting children in the stressful situation that detention entails. According to the Parliamentary Ombudsman, the capacity and organisation of the remand prison in Sollentuna are clearly too small to be able to provide isolation-breaking measures to the number of children, seven, that the Stockholm Prison and Probation Service has set up. On weekends, there are only enough resources for a small number of children. The Parliamentary Ombudsman further stated that this situation is of course completely unacceptable and that she assumes that the Swedish Prison and Probation Service takes the necessary measures to ensure that all children held in remand are ensured their legal right to stay with staff or another person for at least four hours every day.

The Parliamentary Ombudsman further noted that the information gathered during the inspection of the remand prison in Sollentuna showed that police interrogation is reported as association with others and thus as a kind of isolation-breaking measure. In the Parliamentary Ombudsman's view, the starting point for what constitutes meaningful contact should be seen from the child's perspective, and not from the perspective of the general public. Therefore, the Parliamentary Ombudsman expressed that she is very hesitant that police interrogation can be regarded as such a meaningful contact that the preparatory works are aimed at.

National language: [...] Vid inspektionen av häktet Luleå var beläggningen rekordhög. Ingen av de intagna var under 18 år och endast en intagen var att betrakta som ung. Det framgick även att det generellt är ovanligt med intagna barn i häktet. Vidare noterades att häktet tagit fram rutiner som syftar till att säkerställa barns rättigheter enligt bestämmelsen i 2 kap. 5 a § häkteslagen.

Även om att det generellt är ovanligt med intagna barn i häktet Luleå valde JO att i sina uttalanden kort uppehålla sig vid ett par frågeställningar som specifikt rör barn. Inledningsvis uttalade hon att det är mycket positivt att häktet tagit fram rutiner som syftar till att säkerställa barns rättigheter enligt 2 kap. 5 a § häkteslagen. Därefter konstaterade JO att sedan den 1 juli 2021 får den som har fyllt 18 år och som är gripen eller anhållen hållas i förvar i polisarrest endast om det är absolut nödvändigt.⁵⁰⁸ I förarbetena uttalades bl.a. att en polisarrest inte är anpassad efter de särskilda behov som ett barn har och att en placering även tillfälligtvis i arresten bör undvikas eftersom det inte är en lämplig miljö för barn att vistas i. Ett förhörssrum eller liknande, eller ett rum i ett häkte, anses vara en klart lämpligare placering för ett barn än en polisarrest.⁵⁰⁹ Vid tidpunkten för inspektionen av häktet Luleå fanns det inte utrymme för att ta emot gripna eller anhållna barn på grund av den höga beläggningen. Därmed fanns det, enligt JO, en risk att polisen inte lyckas ordna en alternativ placering av ett frihetsberövat barn och att barn till följd

⁵⁰⁸ Original footnote: See section 6 a LUL.

⁵⁰⁹ Original footnote: See government bill. 2019/20:129 p. 46 f.

av Kriminalvårdens tillkortakommanden kan komma att hållas i förvar i polisarrest. På sikt kan det leda till att bestämmelsen inte får avsedd effekt vilket enligt JO är mycket bekymmersamt.⁵¹⁰

[...] During the inspection of the remand prison in Luleå, the occupancy rate was record high. None of the inmates were under the age of 18 and only one inmate was considered young. It also emerged that it is generally unusual to have children in the remand prison. Furthermore, it was noted that the remand prison has developed procedures aimed at ensuring children's rights in accordance with the provision in Chapter 2. Section 5a of the Remand Prisons Act.

Although it is generally unusual to have children in the remand prison in Luleå, the Parliamentary Ombudsman chose in his statements to dwell briefly on a couple of issues that specifically concern children. Initially, she stated that it is very positive that the remand prison has developed procedures aimed at ensuring children's rights according to Chapter 2. Section 5a of the Remand Prisons Act. Subsequently, the Parliamentary Ombudsman stated that since 1 July 2021, a person who has reached the age of 18 and who has been arrested or detained may only be detained in police custody facilities if it is absolutely necessary. In the preparatory works [for the revised Act] it was stated, among other things, that a police custody facility is not adapted to the specific needs of a child and that even a temporary placement in a police custody facility should be avoided as it is not a suitable environment for children to be in. An interrogation room or similar, or a room in a remand prison, is considered to be a clearly more suitable placement for a child than a police custody facility.

At the time of the inspection of the remand prison in Luleå, there was no room to receive arrested or detained children due to the high occupancy rate. Thus, according to the Parliamentary Ombudsman, there was a risk that the Police Authority could not arrange for an alternative placement of a detained child and that, as a result of the shortcomings of the Prison and Probation Service, children could be detained in police custody facilities. In the long term, this may lead to the provision not having the intended effect, which, according to the Parliamentary Ombudsman, is very worrying.

National language: Efter inspektionen uttalade JO att det är klarlagt att ungas möjlighet att få isoleringsbrytande åtgärder påverkas när barn är intagna. Utredningen visar tydligt att många av de unga inte erhållit isoleringsbrytande åtgärder två timmar dagligen. När barns rätt till vistelse med annan i häktet tillgodoses finns det således en risk för att de unga intagna isoleras. Det är enligt JO oacceptabelt och hon underströk att häktet även under en ansträngd beläggningssituation har ett ansvar för detta arbete. Det är inte godtagbart att insatserna begränsas på grund av bristande resurser, praktiska förutsättningar eller av organisatoriska skäl.⁵¹¹

After the inspection, the Ombudsman stated that it is clear that young adult's ability to receive isolation-breaking measures is affected when children are detained. The investigation clearly shows that many of the young adults did not receive isolation-breaking measures for two hours daily. When children's right

⁵¹⁰ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 24.

⁵¹¹ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 25.

to associate with another person in the remand prison is fulfilled, there is thus a risk that the young inmates will be isolated. This is unacceptable, according to the Parliamentary Ombudsman, and she underlined that even during a strained occupancy situation, the remand prison has a responsibility for this work. It is not acceptable for efforts to be limited due to lack of resources, practical conditions or organisational reasons.

National language: *Vid inspektionen av häktet Sollentuna kom det fram att barn och unga företrädesvis placerades på häktets ungdomsavdelning som är en restriktionsavdelning. Av de nio unga som hade rätt till gemensamhet var fem placerade på gemensamhetsavdelning. Övriga fyra, varav två unga som väntade på anstaltsplats, vistades inte i gemensamhet och var inte avskilda. Efter inspektionen konstaterade JO att häktet fortfarande inte klarar av att tillgodose intagnas rätt till gemensamhet vilket kan medföra att intagna bli isolerade där och att denna situation är allvarlig.⁵¹²*

During the inspection of the remand prison in Sollentuna, it emerged that children and young adults were preferably placed in the remand prison's youth section, which is a restriction department. Of the nine young adults who had the right to associate with others, five were placed in the association department. The other four, including two young adults waiting for a placement in prison, were not associating with others and were not held separated. After the inspection, the Parliamentary Ombudsman noted that the remand prison is still unable to meet the inmates' right to associate, which may lead to inmates being isolated there, and that this situation is serious.

National language: *Vid granskning av barn och ungas häktesplaner under inspektionen av häktet Sollentuna framstod det som att nästan alla barn och unga medverkat i att ta fram planen. I de samtal som hölls uppgav dock barn och unga att de varken kände till planen eller fått en kopia av den.*

Efter inspektionen framhöll JO att utgångspunkten måste vara att löpande under barn och ungas verkställighet i häkte anpassa bemötandet och informationen till deras enskilda mognadsgrad. En del i det arbetet bör vara att pedagogiskt, både skriftligen och muntligen, vid flera tillfällen förmedla information om rättigheter och om syftet med olika åtgärder. När barn och unga medverkat i att ta fram en häktesplan behöver häktet därför säkerställa att de får en kopia av denna. Det finns också anledning att följa upp att den unge har tagit till sig informationen som förmedlats.⁵¹³

When examining children's and young adults's plans for detention during the inspection of the remand prison in Sollentuna, it appeared that almost all children and young adults participated in developing the plan. However, in the conversations held, children and young adults stated that they neither knew about the plan nor received a copy of it.

Following the inspection, the Parliamentary Ombudsman pointed out that the starting point must be to adapt the treatment and information to their individual level of maturity on an ongoing basis during the

⁵¹² Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 25.

⁵¹³ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 28.

time children and young adults are held in remand. Part of this work should be to pedagogically, both in writing and orally, on several occasions convey information about rights and the purpose of various measures. When children and young adults have been involved in drawing up a plan for detention, the remand prison therefore needs to ensure that they receive a copy of it. There is also reason to follow up that the young person has absorbed the information conveyed.

National language: *Vid inspektionen av anstalten Täby var en ung intagen avskild och placerad i ett av anstaltens besöksrum. I samband med att andra intagna skulle ta emot besök fick han flytta för att vistas i anstaltens enda isoleringscell. JO fann denna situation ovärdig och var kritisk till att anstalten saknar ändamålsenliga celler för placering av avskilda intagna. Vidare uttryckte hon att det är bekymmersamt att den höga beläggningen inom Kriminalvården medför att unga intagna i väntan på en omplacering blir avskilda i flera veckor. En konsekvens av detta är att de riskerar att bli isolerade, vilket är särskilt allvarligt för denna kategori intagna. Det är enligt JO inte acceptabelt.*⁵¹⁴

During the inspection of the prison in Täby, a young inmate was separated from others and placed in one of the prison's visitors' rooms. In connection with other inmates receiving visits, he had to move to stay in the prison's only isolation cell. The Parliamentary Ombudsman found this situation degrading and was critical of the fact that the prison lacked suitable cells for the placement of inmates being separated. Furthermore, she expressed concern that the high level of occupancy in the Prison and Probation Service means that young inmates awaiting relocation will be held separated for several weeks. One consequence of this is that they risk being isolated, which is particularly serious for this category of inmates. It is not acceptable, according to the Parliamentary Ombudsman.

Police Authority

National language: *Den som inte har fyllt arton år och som är gripen eller anhållen får enligt 6 a § lagen med särskilda bestämmelser om unga lagöverträdare (LUL) hållas i förvar i polisarrest endast om det är absolut nödvändigt. Bestämmelsen trädde i kraft den 1 juli 2021.*

[...]

Vid inspektionen av arresten Västerås kom det fram att det inte finns några rum som är särskilt avsatta för placering av barn. Barn som gripits placerades därför i ett förhöringsrum i anslutning till arresten, på en bänk i arrestintaget eller i en cell. Barn som anhållits placerades vanligtvis i en cell fram till att barnet frisläppts eller häktats.

[...]

Efter inspektionen uttalade JO att iakttagelserna vid arresten förmedlade en bild av att stationsbefälen utgår från att det för ett anhållit barn inte kommer finnas förutsättningar för någon annan förvaringsplats än i en cell i arresten. Därför gör stationsbefälen heller inga ansträngningar för att finna en sådan förvaringsplats i varje enskilt fall. JO underströk att det enligt lagförarbetena krävs att det har gjorts särskilda ansträngningar att finna ett rimligt och lämpligt alternativ för att det över huvud taget ska vara aktuellt att hålla ett barn i förvar i polisarrest.

⁵¹⁴ Sweden, Parliamentary Ombudsman (Justititeombudsmannen, JO) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 29.

Vidare uttryckte JO att han var bekymrad över att ett så stort antal barn hållits i förvar i arresten i Västerås. Barnen hade placerats i lyhörda anhållningsceller i samma korridor som tillnyktringsceller och därmed i en miljö som lagstiftaren bedömt är olämplig för barn. Det ansågs också bekymmersamt att stationsbefäl – som har uppgiften att besluta om insättning i cell i arresten – har begränsad kännedom om beslutsstödet gällande placeringar av barn. JO uttalade att han inte kunde dra någon annan slutsats än att vad som enbart skulle komma i fråga i undantagsfall snarare är regel i arresten Västerås. Oavsett vad som är förklaringen till detta är det enligt JO fullständigt oacceptabelt.⁵¹⁵

Under Section 6a of the Act on Special Provisions for Young Offenders (LUL), a person who has not reached the age of eighteen and who is arrested or detained may be detained in police custody facilities only if absolutely necessary. That provision entered into force on 1 July 2021.

[...]

During the inspection of the police custody facility in Västerås, it emerged that there are no rooms specifically reserved for the placement of children. Children who had been arrested were therefore placed in an interrogation room adjacent to the police custody facilities, on a bench in the entrance to the police custody facilities or in a cell. Children who were arrested were usually placed in a cell until the child was released or held on remand.

[...]

After the inspection, the Parliamentary Ombudsman stated that the observations at the custody facilities conveyed a picture that the station officers assume that there will be no conditions for any other place of custody than in a cell in the custody facility. Therefore, the station officers make no effort to find such a place in custody in each case. The Parliamentary Ombudsman underlined that the preparatory works requires that special efforts have been made to find a reasonable and suitable alternative for keeping a child in police custody at all.

Furthermore, the Parliamentary Ombudsman expressed concern that such a large number of children had been detained in the custody facilities in Västerås. The children had been placed in custody cells that were not soundproof in the same corridor as cells used for sobering up, and thus in an environment deemed unsuitable for children by the preparatory works. It was also considered worrying that station officers – who have the task of deciding whether to place children in custody cells – have limited knowledge of the decision-making regarding placements of children. The Parliamentary Ombudsman stated that he could not draw any other conclusion than that what would only be considered in exceptional cases is rather the rule in the custody facilities in Västerås. Whatever the explanation for this is, according to the Parliamentary Ombudsman, completely unacceptable.

Swedish National Board of Institutional Care

National Language: SiS beslutade den 18 januari 2021 att ungdomshemmet Johannisberg ska rustas till högsta säkerhetsnivå, dvs. nivå 1. Av beslutet framgår att hemmet efter genomförda åtgärder ska ha en god förmåga att hantera ungdomar som bedöms ha de högsta riskerna avseende avvikningar, hot och våld.

[...]

⁵¹⁵ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, pp.18-20.

Efter inspektionen uttalade JO sin förvåning över att hemmet inte kommit längre i arbetet med säkerhetshöjande åtgärder. Även om hemmet tidigare tagit emot ungdomar med de högsta riskerna avseende bl.a. hot och våld är det enligt JO bekymmersamt att de åtgärder som enligt SiS behövs för att hemmet ska ha en god förmåga att hantera ungdomar med sådana risker inte fanns på plats. Vidare har SiS fattat ett nationellt beslut som gör undantag från principen om att ungdomar som verkställer sluten ungdomsvård ska vårdas separerade från de som vårdas enligt LVU. JO pekade på att han vid tidigare inspektioner av SiS uppmärksammat de problem som uppstår när barn och unga som vårdas enligt LVU placeras på samma avdelningar som de som verkställer straff enligt LSU.⁵¹⁶ Det är enligt JO oroväckande att myndigheten har gått ifrån principen om att sådana placeringar inte ska ske.⁵¹⁷

SiS decided on 18 January 2021 that the Johannisberg youth home should be equipped to the highest safety level, i.e. level 1. The decision states that after the measures have been implemented, the home must have a good ability to deal with young persons who are assessed to have the highest risks regarding deviations, threats and violence.

[...]

After the inspection, the Parliamentary Ombudsman expressed its surprise that the home had not progressed further in its work on safety-enhancing measures. Although the home has previously received young persons with the highest risks regarding threats and violence, it is, according to the Parliamentary Ombudsman, worrying that the measures that according to SiS are needed for the home to have a good ability to handle young persons with such risks were not in place. Furthermore, SiS has made a national decision that derogates from the principle that young persons who carry out closed youth care should be cared for separately from those who are cared for under LVU. The Parliamentary Ombudsman pointed out that, during previous inspections of SiS, he had drawn attention to the problems that arise when children and young adults who are cared for under LVU are placed in the same departments as those who implement sentences under LSU. It is worrying, according to the Parliamentary Ombudsman, that the agency has departed from the principle that such placements should not take place.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.⁵¹⁸ In relation to measures provided for children and young detainees the NPM refers to Protocol O 21-2023 where it notes that detained children are sometimes placed in irregular spaces with a low standard, such as police arrest cells, and are not provided with the four hours of meaningful interaction that is their legal right.⁵¹⁹

⁵¹⁶ Original footnote: See for example protocol from the inspection at the Sundbo special home for young persons on the 6 and 7 November 2018, number 7107-2018.

⁵¹⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*) (2024) National Preventive Mechanism – NPM, report from the OPCAT unit 2022 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2022](#)) 2024, p. 33.

⁵¹⁸ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁵¹⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, pp. 6 and 14.

The NPM also refers to Protocol O 20-2022 where it notes that the lack of space in remand prisons may lead to children held on remand being detained for long periods of time in police arrest cells.⁵²⁰ The NPM notes as positive the development of a routine to ensure that children held on remand are provided with four hours of meaningful human contact.⁵²¹

The NPM also refers to Protocol O 23-2023 where it notes that children are not provided with the four hours of meaningful interaction that is their legal right.⁵²²

In Protocol O 27-2021 the NPM notes that a rental agreement whereby SPPS uses police arrest cells to detain persons held on remand increases the risk for children to be held for long periods of time in such cells.⁵²³

In Protocol O 33-2021 the NPM notes with appreciation a changed routine to ensure that children are not kept in police arrest cells longer than what is necessary.⁵²⁴

The NPM also refers to Protocol O 3-2022 where it notes that when many of the detainees in a remand prison are children, their right to meaningful interaction with others to break isolation is not fulfilled.⁵²⁵ Furthermore, the presence of children adversely affects young persons' right to meaningful interaction with others to break isolation, as the children are prioritised.⁵²⁶ The NPM also noted that while children and young persons initially participated in drawing up the plan for their time in remand prison, this was not followed by any ongoing communication around the plan.⁵²⁷ The NPM further noted that young persons did not feel that they were always treated with respect, including during visitations.⁵²⁸

⁵²⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 10.

⁵²¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Luleå Remand Prison, 16 and 17 November 2022 ([Opcat-inspektion av Kriminalvården, häktet Luleå, den 16 och 17 november 2022](#)), reference number O 20-2022, p. 10.

⁵²² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Unannounced Opcat inspection of the Swedish Prison and Probation Service, Salberga Remand Prison, 26–28 September 2023 ([Oanmäld Opcat-inspektion av Kriminalvården, häktet Salberga, den 26–28 september 2023](#)), reference number O 23-2023, p. 12.

⁵²³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Police Region South, arrest cell Malmö, 6–8 October 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Syd, arresten Malmö, den 6–8 oktober 2021](#)), reference number O 27-2021, pp. 8-9.

⁵²⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2021) Opcat inspection of the Swedish Police Authority, Bergslagen Police Region, Karlstad arrest cell on 23–25 November 2021 ([Opcat-inspektion av Polismyndigheten, polisregion Bergslagen, arresten Karlstad den 23–25 november 2021](#)), reference number, O 33-2021, p. 8.

⁵²⁵ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Sollentuna Remand Prison, 21 and 22 March 2022 ([Opcat-inspektion av Kriminalvården, häktet Sollentuna, den 21 och 22 mars 2022](#)), reference number O 3-2022, pp. 11-12.

⁵²⁶ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Sollentuna Remand Prison, 21 and 22 March 2022 ([Opcat-inspektion av Kriminalvården, häktet Sollentuna, den 21 och 22 mars 2022](#)), reference number O 3-2022, p. 12.

⁵²⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Sollentuna Remand Prison, 21 and 22 March 2022 ([Opcat-inspektion av Kriminalvården, häktet Sollentuna, den 21 och 22 mars 2022](#)), reference number O 3-2022, pp. 12-13.

⁵²⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Prison and Probation Service, Sollentuna Remand Prison, 21 and 22 March 2022 ([Opcat-inspektion av Kriminalvården, häktet Sollentuna, den 21 och 22 mars 2022](#)), reference number O 3-2022, p. 13.

The NPM also refers to Protocol O 8-2023, where it notes that the lack of space in remands prisons leads to children being detained in police arrests cells.⁵²⁹ Here, the NPM also notes lacking accommodations in the way information is conveyed to children and youth.⁵³⁰

The NPM also refers to Protocol O 12-2023, where it notes that facilities and routines have been developed to avoid that children are paced in police arrest cells. However, the NPM notes that there is no solutions envisaged should more than two children be detained at the same time.⁵³¹ In addition, the NPM also notes that inadequate information is conveyed to children.⁵³²

The NPM also refers to Protocol O 14-2022, where it notes that children are routinely kept in police arrest cells, and for days, without any efforts to find alternative accommodation.⁵³³ The NPM also notes that the personnel were unaware of the rights of children relating to age-appropriate accommodation as well as to their right to age-appropriate information.⁵³⁴

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

As mentioned in part 8 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 with disabilities or other serious medical conditions, including mental health-related medical conditions, is in need of specialist healthcare or medical services, this must be arranged. SPPS reports that all Prisons and most Remand Prisons have access to specialist doctors in psychiatry, for consultation by telephone or physical assessment on site.

⁵²⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Police Authority, Stockholm Police Region, Solna arrest cell, 1 and 2 March 2023 ([Opcat-inspektion av Polismyndigheten, polisregion Stockholm, arresten Solna, den 1 och 2 mars 2023](#)), reference number O 8-2023, p. 6.

⁵³⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Police Authority, Stockholm Police Region, Solna arrest cell, 1 and 2 March 2023 ([Opcat-inspektion av Polismyndigheten, polisregion Stockholm, arresten Solna, den 1 och 2 mars 2023](#)), reference number O 8-2023, p. 8.

⁵³¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Police Authority, Police Region North, Umeå arrest cell, 13 and 14 April 2023 ([Opcat-inspektion av Polismyndigheten, polisregion Nord, arresten Umeå, den 13 och 14 april 2023](#)), reference number O 12-2023, p. 7.

⁵³² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Police Authority, Police Region North, Umeå arrest cell, 13 and 14 April 2023 ([Opcat-inspektion av Polismyndigheten, polisregion Nord, arresten Umeå, den 13 och 14 april 2023](#)), reference number O 12-2023, pp. 7-8.

⁵³³ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Police Authority, Central Police Region, Västerås arrest cell, 19 and 20 September 2022 ([Opcat-inspektion av Polismyndigheten, polisregion Mitt, arresten Västerås, den 19 och 20 september 2022](#)), reference number O 14-2022, pp. 9-10.

⁵³⁴ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2022) Opcat inspection of the Swedish Police Authority, Central Police Region, Västerås arrest cell, 19 and 20 September 2022 ([Opcat-inspektion av Polismyndigheten, polisregion Mitt, arresten Västerås, den 19 och 20 september 2022](#)), reference number O 14-2022, pp. 9-11.

A detainee with an ongoing medical treatment should always be given the opportunity to see a nurse.⁵³⁵ 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.⁵³⁶

As mentioned in part 8 (f), SPPS reports that the Agency conducts certain primary health and medical care that falls under the same regulations as other health care in Sweden. This means that care 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 detainees to another care provider. According to SPPS, the principle of normalization means that detainees have the same right to society's support and help as all other citizens.⁵³⁷

Forensic psychiatric care

A person who commits a serious crime can be sentenced to forensic psychiatric care if the person suffered from a serious mental disorder when the crime was committed.⁵³⁸ Such care is provided under the Act on Forensic Psychiatric Care⁵³⁹ in health care facilities run by any of Sweden's 21 regions.

The Act on Forensic Psychiatric Care is also applicable to persons who: are arrested, detained⁵⁴⁰ or admitted to a unit for forensic psychiatric examination; are detained in or are to be transferred to a Prison,⁵⁴¹ or; are detained in or are to be transferred to a special residential home for young persons.⁵⁴²

Section 6 of the Act states that forensic psychiatric care is provided at a healthcare facility run by a region. However, a person who is given outpatient forensic psychiatric care may stay outside such a medical facility.⁵⁴³ According to section 4 of 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/her consent as a result of his mental condition.⁵⁴⁴

⁵³⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 5, section 1; and Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 9, section 1.

⁵³⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵³⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵³⁸ Sweden, Swedish Criminal Code ([Brottsbalk \(1962:700\)](#)), 21 December 1962, chapter 31, section 3.

⁵³⁹ Sweden, Act on Forensic Psychiatric Care ([Lag om rättspsykiatrisk vård \[1991:1129\]](#)), 1 September 2008.

⁵⁴⁰ See also: Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 5, section 2.

⁵⁴¹ See also: Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 9, section 2.

⁵⁴² Sweden, Act on Forensic Psychiatric Care ([Lag om rättspsykiatrisk vård \[1991:1129\]](#)), 1 September 2008. Section 1, point 1-4.

⁵⁴³ Sweden, Act on Forensic Psychiatric Care ([Lag om rättspsykiatrisk vård \[1991:1129\]](#)), 1 September 2008, section 6.

⁵⁴⁴ Sweden, Act on Forensic Psychiatric Care ([Lag om rättspsykiatrisk vård \[1991:1129\]](#)), 1 September 2008, section 4.

b. Continuity of care

The general standards aiming to promote social reintegration of detainees once they leave prison are outlined in part 7 (a) above. Chapter 1, section 5 of the Prisons Act stipulates that an individual sentence plan must be developed for each detainee.⁵⁴⁵ According to section 7 of the Ordinance on Prisons the individual sentence plan must be particularly focused on concrete measures that can facilitate the transition to a life of freedom prior to release. Based on the detainee's needs, cooperation must take place with, inter alia, the municipal Social Welfare Committee and the health care sector.⁵⁴⁶ Chapter 1, section 27 of the SPPS regulations and general advice on Prisons states that the individual sentence plan must be based on, inter alia, a needs assessment.⁵⁴⁷ According to the SPPS general advice to section 27, the needs assessment should identify the measures that can, inter alia, facilitate the detainee's need for health care.⁵⁴⁸

In addition, the individual sentence plan must contain the conditions for granting detainees a permit for specific preparatory release measures.⁵⁴⁹ As mentioned in part 7 (b) above, specific preparatory release measures are regulated in chapter 11, sections 1-5 of the Prisons Act and include: activity release; stay in care; half-way house; and extended activity release.⁵⁵⁰ Chapter 11, section 3 of the Prisons Act regulates stay in care. The SPPS general advice to chapter 11, section 3 of the Prisons Act clarifies that particular consideration should be given to whether the detainee is in need of care or treatment for e.g. psychiatric problems or disabilities, when considering whether a detainee should be granted a stay in care.⁵⁵¹ Chapter 11, sections 2, 4 and 5 of the Prisons Act regulate activity release, half-way house and extended activity release. Detainees assigned these specific preparatory release measures must also participate in work, treatment programs, education or other specifically arranged activities. This is regulated in chapter 11, section 7 of the SPPS regulations and general advice on Prisons.⁵⁵² The SPPS general advice to chapter 11, sections 2, 4 and 5 of the Prisons Act clarifies that specifically arranged activities may include, for example, participation in day centre activities. For detainees who are pensioners or have difficulty meeting the activity requirement due to illness or disability, a slightly lower activity rate may be acceptable.⁵⁵³

⁵⁴⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 1, section 5.

⁵⁴⁶ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 7.

⁵⁴⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27.

⁵⁴⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27, general advice.

⁵⁴⁹ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 6.

⁵⁵⁰ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 11, section 1.

⁵⁵¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 11, section 3 of the Prisons Act.

⁵⁵² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 11, section 7.

⁵⁵³ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 11, sections 2, 4 and 5 of the Prisons Act.

As mentioned in part 8 (a) above, SPPS offers access to a nurse during office hours. According to the SPPS Handbook - Management System for Healthcare (*Handbok – Ledningssystem för Hälso- och Sjukvård*), the responsible nurse is to participate in the detainee's release preparations.⁵⁵⁴ SPPS reports that, if necessary and possible, the nurse must review the detainee's medical records to determine whether follow-up within the regional health care system is required no later than four months before release (taking into account the care guarantee). If the detainee agrees, a referral is issued to a regional healthcare provider to transfer responsibility for the treatment.⁵⁵⁵

SPPS reports that, for detainees with serious somatic or psychiatric conditions, the nurses maintain continuous contact with the relevant external healthcare provider to ensure high-quality and safe care. Prior to release, relevant external healthcare providers are informed of the detainee's upcoming change of address, provided that the detainee has given their consent. SPPS reports that the SPPS healthcare service and the external healthcare provider work together to ensure that the detainee receives the treatment they are entitled to without interruption, even upon release. This is facilitated through the referral process and by contacting the receiving healthcare provider for status and handover reporting.⁵⁵⁶

SPPS reports that there must also be a plan for how detainees will receive their prescribed medication upon release. The medication list should accompany the detainee to facilitate proper continued care. If the detainee uses assistive devices (e.g. wheelchair), the nurse should consider referring the need of the corresponding assistive device to the regional healthcare provider at least three months prior to release and in consultation with the detainee.⁵⁵⁷

c. Reasonable accommodation and accessibility

Remand Prisons and Prisons:

SPPS is one of the government agencies that the Government has assigned to follow up on the national disability rights policy, with the results of the follow-up are to be reported each year in the SPPS's annual report.⁵⁵⁸ The objective of the disability policy is that, “with the Convention on the Rights of Persons with Disabilities as a starting point, achieving equality in living conditions and the full participation of persons

⁵⁵⁴ Sweden, SPPS's handbook - management system for healthcare (*Handbok – Ledningssystem för Hälso- och Sjukvård*), 2023:3.

⁵⁵⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵⁵⁶ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵⁵⁷ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024. See also SPPS's instructions regarding health care for SPPS staff (*Kriminalvårdens anvisningar avseende hälso- och sjukvård för kriminalvårdspersonal*), 2023:5.

⁵⁵⁸ Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2021) Strategy for systematic follow-up of disability policy during 2021–2031 ([Strategi för systematisk uppföljning av funktionshinderspolitiken under 2021–2031](#)), government assignment, 23 September 2021.

with disabilities in a society based on diversity".⁵⁵⁹ The objective is also to contribute to increased gender equality and to ensure that the child rights perspective is taken into account.⁵⁶⁰

According to Ordinance on the Responsibility of Government Agencies for the Implementation of the Disability Policy (*Förordning [2001:526] om de statliga myndigheternas ansvar för genomförande av funktionshinderspolitiken*), the principle of universal design means that the government agencies must work to ensure that their premises, activities and information are accessible to persons with disabilities. This work shall be guided by the Convention on the Rights of Persons with Disabilities.⁵⁶¹

In 2019, SPPS decided on an accessibility strategy.⁵⁶² The SPPS strategy for accessibility states that persons with disabilities should have access to SPPS activities, premises and information as far as it is practically possible with regard to order and safety. Accessible activities mean that the disability perspective must be integrated into the agency's planning and processes and be taken into account before decisions. Accessible premises means that persons with disabilities should be able to take part in the activities carried out on the premises. Accessible information means that persons with disabilities should be able to communicate with the agency and take part of information. According to the Administrative Procedure Act, SPPS must use an interpreter and make the content of documents accessible for persons with disabilities.⁵⁶³

There is no requirement for SPPS to have residential rooms that are specially adapted for physical disabilities in all Prisons.⁵⁶⁴ SPPS reports that adjustments based on the detainee's physical and mental health condition must be made to meet the somatic and psychiatric needs that require the attention of the healthcare system. SPPS must also ensure that the implementation of the sentence is carried out humanely and in accordance with Swedish law. When modifications and adjustments at the detainee's regular Prison or Remand Prison cannot meet these needs, the detainee may be placed in special care wards. These units are established to ensure that detainees can serve their sentences while at the same time meeting their healthcare needs.⁵⁶⁵ Special care wards are available at two prisons with security class 1. There are no such wards in security class 2 or 3 Prisons.⁵⁶⁶ In addition, there are so called wards for particularly resource-intensive detainees (*särskilt resurskrävande intagna, SRI*), where detainees with psychiatric needs or persons with disabilities can be placed. Such wards are established in two

⁵⁵⁹ [...] med FN:s konvention om rättigheter för personer med funktionsnedsättning som utgångspunkt, uppnå jämlikhet i levnadsvillkor och full delaktighet för personer med funktionsnedsättning i ett samhälle med mångfald som grund.

⁵⁶⁰ Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2016) National objective and orientation for disability ([Nationellt mål och inriktning för funktionshinderspolitiken](#)), government bill 2016/17:188, 11 May 2017, p. 22.

⁵⁶¹ Sweden, Ordinance on the Responsibility of Government Agencies for the Implementation of the Disability Policy ([Förordning \(2001:526\) om de statliga myndigheternas ansvar för genomförande av funktionshinderspolitiken](#)), 2014, section 1.

⁵⁶² Sweden, SPPS's accessibility strategy (*Kriminalvårdens strategi för tillgänglighet*), KV 2016-12387.

⁵⁶³ Sweden, Administrative Procedure Act ([Förvaltningslag \[2017:900\]](#)), 28 September 2017, section 13.

⁵⁶⁴ Sweden, Prison and Probation Services (*Kriminalvården*) (2022) Annual report for 2021 ([Årsredovining 2021](#)), p 17.

⁵⁶⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵⁶⁶ Sweden, Prison and Probation Services (*Kriminalvården*), [Plats för sjuka och gamla intagna](#), official website, accessed 29 April 2024.

Prisons with security class 1 and one Prison with security class 2. There are no such wards in security class 3 Prisons.⁵⁶⁷

The SPPS annual reports state that, for new constructions, SPPS uses so-called standard units (*typhus*) which comply with the Swedish National Board of Housing, Building and Planning's (*Boverket*) standard on accessibility. A fundamental idea of the standard houses is that they should be accessible for everyone, and thus the principle of universal design is to a large extent integrated into the design of the houses.⁵⁶⁸ Even the so-called modular units (*modulhus*) normally comply with the National Board of Housing, Building and Planning's standards.⁵⁶⁹

Prisons:

The general standards on activities in Prisons are outlined in part 7 (b) above. These include standards relevant to persons with disabilities or serious medical conditions. For example, chapter 3, section 1 of the Prisons Act states that a detainee must be given the opportunity to find an activity in the form of work, education, treatment programmes or other structured activities.⁵⁷⁰ The SPPS general advice on chapter 3, section 1 of the Prisons Act states that other structured activities include, for example, special activities for pensioners or detainees with disabilities, and other comparable activities.⁵⁷¹

Chapter 3, section 2 of the Prisons Act stipulates detainees' obligation to take part in activities. Detainees in receipt of old-age pension in accordance with the Social Insurance Code may not be required to undertake an activity. Detainees who have been granted sickness benefit or activity compensation in accordance with the same Code may only be required to undertake an activity of the nature and to the extent that can be regarded as suitable for them.⁵⁷² Section 13 of the Ordinance on Prisons states that detainees also have the right to remuneration if, inter alia, the detainees' capacity for work is wholly or partially reduced due to illness. This remuneration is however not paid if the detainee is in receipt of old-age pension, sickness benefit or activity compensation under the Social Insurance Code.⁵⁷³ Chapter 3 section 8 of the SPPS regulations and general advice on Prisons states that detainees whose ability to work is wholly or partially reduced due to illness is entitled to remuneration of SEK 6.50 per hour for the time that they would otherwise have performed or participated in an activity. However, this does not apply if there is no right to remuneration under Section 13 of the Ordinance on Prisons.⁵⁷⁴ The general advice to this provision clarifies that detainees whose ability to

⁵⁶⁷ Sweden, Prison and Probation Services (*Kriminalvården*), [Här vårdas särskilt krävande klienter](#), official website, accessed 29 April 2024.

⁵⁶⁸ Sweden, Prison and Probation Services (*Kriminalvården*) (2022) Annual report for 2021 ([Årsredovining 2021](#)), p. 16.

⁵⁶⁹ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)).

⁵⁷⁰ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 1.

⁵⁷¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to chapter 3, section 1 of the Prisons Act.

⁵⁷² Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 3, section 2.

⁵⁷³ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 13.

⁵⁷⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 8.

work is wholly or partially reduced due to illness refers to both physical and mental illness as well as injury.⁵⁷⁵

d. NPM assessment

Reports from the National Preventive Mechanism

Findings from the National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021, published 2023, available at [Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21 \(jo.se\)](#).

Forensic psychiatric care

National language: *JO har i samband med inspektioner i flera fall observerat att det finns patienter med långa vårdtider i verksamheter som bedriver rättspsykiatrisk vård. I ett initiativärende granskades vilka omständigheter som motverkar att patienter med långa vårdtider inom rättspsykiatrisk slutenvård skrivs ut till öppenvård.*⁵⁷⁶

[...]

I beslutet konstaterade chefsJO Erik Nymansson att det kan vara så många som en av tio patienter som inte kan skrivas ut från sluten rättspsykiatrisk vård i anslutning till att kliniken har bedömt att de inte längre behöver sådan vård. Skälet är framför allt att patienterna behöver ha en ordnad social situation, vilket i sin tur förutsätter ett lämpligt boende. Just tillgången till ett lämpligt boende blir o a avgörande för bedömningen av risken för återfall i brottslighet som är av allvarligt slag. En förklaring till att det många gånger dröjer med att ordna ett sådant boende kan vara att kliniken och socialtjänsten gör olika bedömningar av patientens behov. ChefsJO uttalade att konsekvenserna för dessa patienter är allvarliga. Det leder till en längre vårdtid än nödvändigt i en vårdform som är förenad med frihetsberövande och annat tvång.

[...]

*Sammanfattningsvis ansåg chefsJO att granskningen visade att det behöver vidtas åtgärder för att patienter i sluten rättspsykiatrisk vård med särskild utskrivningsprövning mer skyndsamt ska kunna ges öppen rättspsykiatrisk vård. Lagstiftaren har valt att införa ekonomiska incitament för att främja detta. Det är då enligt chefsJO viktigt att dessa incitament är verkningfulla. Även andra åtgärder som ökar möjligheterna för patienter att få ett lämpligt boende bör utredas. Situationen för utomlänspatienter bör uppmärksammas särskilt.*⁵⁷⁷

In connection with inspections, the Parliamentary Ombudsmen have observed in several cases that there are patients with long periods of stay in forensic psychiatric care. In one enquiry, the circumstances that prevent patients with long periods of stay in forensic psychiatric inpatient care from being discharged to outpatient care were examined.

⁵⁷⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 3, section 8, general advice.

⁵⁷⁶ Original footnote: See JO's number O 1-2021.

⁵⁷⁷ Sweden, Parliamentary Ombudsman (*Justititeombudsmannen, JO*) (2023) National Preventive Mechanism – NPM, report from the OPCAT unit 2020-2021 ([Nationellt besöksorgan – NPM. Rapport från verksamheten 2020-21](#)), 2023, pp. 71-72.

[...]

In the decision, Chief Parliamentary Ombudsman Erik Nymansson stated that there may be as many as one in ten patients who cannot be discharged from inpatient forensic psychiatric care in connection with the clinic's assessment that they no longer need such care. The main reason for this is that patients need to have an ordered social situation, which in turn presupposes adequate accommodation. Access to adequate housing is often decisive for the assessment of the risk of relapse into serious crime. The Chief Parliamentary Ombudsman stated that the consequences for these patients are serious. This leads to a longer period of care than necessary in a form of care associated with deprivation of liberty and other coercion.

[...]

In summary, the Chief Parliamentary Ombudsman considered that the review showed that measures need to be taken to ensure that patients in inpatient forensic psychiatric care with a special discharge review can be given forensic psychiatric outpatient care more quickly. The legislator has chosen to introduce financial incentives to promote this. According to the Chief Parliamentary Ombudsman, it is important that these incentives are effective. Other measures that increase the chances of patients getting suitable housing should also be investigated. Particular attention should be paid to the situation of out-of-county patients.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing protocols, decisions and reports.⁵⁷⁸ In relation to measures provided for detainees with disabilities or serious medical conditions, the NPM refers to Protocol O 21-2023. Here, the NPM reports that more attention is needed to the requirements of persons with serious mental disabilities and neuropsychiatric disabilities.⁵⁷⁹

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

Remand Prisons and Prisons

The Education Department at SPPS became LGBTQ certified⁵⁸⁰ by the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (*Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter, RFSL*)⁵⁸¹ in 2017. The certification means, among other things,

⁵⁷⁸ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁵⁷⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) (2023) Opcat inspection of the Swedish Prison and Probation Service, Kronoberg Remand Prison, 18–20 September 2023 ([Opcat-inspektion av Kriminalvården, häktet Kronoberg, den 18–20 september 2023](#)), reference number O 21-2023, p. 9.

⁵⁸⁰ 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.

⁵⁸¹ 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.

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.⁵⁸²

In 2016, SPPS presented its strategy for their work with LGBTQ issues. The strategy's goal is to create conditions for realising everyone's equal rights and opportunities within the organisation, regardless of sexual orientation, gender identity or gender expressions.⁵⁸³ 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 plan⁵⁸⁴ and support material⁵⁸⁵ for SPPS work with LGBTQ 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:

- Ensure that the institutions' partners act on the basis of a decided LGBTQ strategy;
- Ensure common routines for each department to ensure security to LGBTQ-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 LGBTQ perspective; and
- Investigate and, to the extent possible, adapt the physical environment to ensure security for LGBTQ-identified detainees, (for instance, toilets, showers / changing rooms).⁵⁸⁶

b. Protection of trans detainees

⁵⁸² Sweden, Prison and Probation Services (*Kriminalvården*), Prison and Probation Service's basic education (*Kriminalvårdsutbildningen*), official website, accessed 29 April 2024.

⁵⁸³ 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.

⁵⁸⁴ 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.

⁵⁸⁵ 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.

⁵⁸⁶ 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.

Remand Prisons and Prisons

The strategy,⁵⁸⁷ activity plan⁵⁸⁸ and support material⁵⁸⁹ for SPPS's work with LGBTQ issues are also applicable on placements. For example, the activity plan states that activities to ensure protection from discrimination and other violations include, among other things, to develop common routines for each department to ensure security to LGBTI-identified detainees in safety classification, placement and risk assessment.⁵⁹⁰

As mentioned in part 11 above, chapter 2, section 2 of the Prisons Act and the Remand Prisons Act state that a detainee may not be placed together with detainees of the opposite sex. However, a detainee may be permitted to stay together with a detainee of the opposite sex if this is appropriate and the detainee consents to it.⁵⁹¹ SPPS reports that the placements are based on the detainee's legal gender.⁵⁹²

SPPS has a placement unit that manages and makes decisions on the Prison in which a detainee may be placed. The specific Prison then decides where within the institution a detainee is to be placed. A dialogue between the placement unit and the responsible Prison is usually conducted in advance of placements of trans detainees, in addition to the usual investigation and assessments for Prisons (see section below).⁵⁹³

Remand Prisons:

As mentioned in part 2 (b) above, chapter 1, section 9 of the SPPS regulations and general advice on Remand Prisons states that the security assessment carried out when a detainee is taken into custody should identify the need for security measures based on the risk that the detainee, for example, use threats or violence.⁵⁹⁴

As mentioned in part 9 (b) above, chapter 1, section 25 of the SPPS regulations and general advice on Remand Prisons states that a plan for the detention must be individually designed according to the

⁵⁸⁷ 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.

⁵⁸⁸ 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.

⁵⁸⁹ 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.

⁵⁹⁰ 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.

⁵⁹¹ 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.

⁵⁹² Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵⁹³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁵⁹⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 1, section 9.

circumstances of the individual case.⁵⁹⁵ The detention plan must be based on the security assessment⁵⁹⁶ and must identify the detainee's needs for, among other things, special protection.⁵⁹⁷ By special protection it is meant e.g. measures to prevent the detainee from being exposed to threats and violence.⁵⁹⁸

Prisons

As mentioned under part 2 (b) above, section 10 of the Ordinance on Prisons states that the assessment of the placement shall take into account misconduct as well as the need to avoid an inappropriate composition of detainees.⁵⁹⁹ According to the SPPS regulations and general advice on section 10 of the Ordinance on Prisons, an inappropriate composition of detainees may for example be detainees who are at risk of being abused by another detainee.⁶⁰⁰

As mentioned under part 9 (b) above, sections 26 and 27 of the SPPS regulations and general advice on Prisons states that an individual sentence plan must be developed for each detainee and should be based on a risk assessment and a needs assessment.⁶⁰¹ When deciding on the special conditions that shall apply during the implementation of the sentence, special consideration must be given to the risk that the detainee uses threats or violence.⁶⁰²

c. Protection of other vulnerable detainees

Remand Prisons and Prisons

As outlined in part 15 (a-b) above, the security assessment and the plan for the detention for detainees in Remand Prisons must identify any risks of threats and violence. The same applies to detainees in Prisons in relation to the risk assessment and the individual sentence plan. Beyond this:

⁵⁹⁵ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 25.

⁵⁹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

⁵⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 26.

⁵⁹⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkten \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 1, section 26.

⁵⁹⁹ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 10.

⁶⁰⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general recommendation on section 10 of the Ordinance on Prisons.

⁶⁰¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 26-27.

⁶⁰² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 1, section 32, point 3.

Prisons

As outlined in section 9 (b) above, section 4 of the Ordinance on Prisons states that detainees must follow specific conditions applicable to the implementation of the sentence in order to maintain order or security in the Prison.⁶⁰³ A detainee must also show respect for personnel and fellow detainees and contribute to maintaining good order. According to the SPPS general advice to section 4 of the Ordinance on Prisons, a detainee must show respect for other detainees and not subject anyone to harassment or other improper behaviour. By harassment it is meant e.g. sexual harassment or harassment due to sexual orientation, ethnic, ideological, or religious affiliation and harassment due to disability.⁶⁰⁴

As mentioned in part 14 (c) above, SPPS has special wards in selected Prisons for particularly resource-intensive detainees (SRI). In these wards, detainees with psychiatric problems or persons with disabilities who require specific resources regarding safety and care are placed.

d. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.⁶⁰⁵ The NPM does not refer measures provided for detainees in vulnerable situations – such as belonging to the LGBTI community in relation to the protocols and decisions they refer to.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

The general standards on placement outlined in part 2 (b) above and the standards aiming to promote social reintegration and prevent reoffending outlined in part 7 (a) above are also relevant to the prevention of radicalisation in Prisons.

b. Risk assessments

As mentioned in part 2 above, several factors are taken into consideration in the security assessment and the risk assessment carried out prior to the placement of a detainee in a Remand Prison or Prison.

⁶⁰³ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 4.

⁶⁰⁴ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, general advice on section 4 of the Ordinance on Prisons.

⁶⁰⁵ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

However, there are no specific provisions requiring the separation of radicalised detainees from other detainees.

Remand Prisons:

As mentioned in chapter 2 (b) above, a security assessment must be carried out immediately after a detainee has been taken into custody in a Remand Prison. The security assessment must be established within three days⁶⁰⁶ and followed up on an ongoing basis, but at least every two months, and amended when justified.⁶⁰⁷ The general advice to the provision states that the security assessment should identify the need for security measures based on, for example, the risk that the detainee uses threats or violence or is guilty of other serious misconduct.⁶⁰⁸

Prisons:

As mentioned in chapter 2 (b) above, section 10 of the Ordinance on Prisons states that the assessment of the placement shall take into account, among other things, continued criminality as well as the need to avoid an inappropriate composition of detainees and to otherwise be able to carry out appropriate activities in Prison.⁶⁰⁹ Chapter 2, section 1 of the SPPS regulations and general advice on Prisons regulates the aspects of the risk assessment outlined in section 10 of the Ordinance on Prisons. The aspects to be included in the risk assessment are, inter alia, the nature and extent of the detainee's past and current criminal record and whether the detainee is a member of or otherwise connected with a criminal network or serious organised crime.⁶¹⁰ According to the SPPS general advice on section 10 of the Ordinance on Prisons, an inappropriate composition of detainees refers to cases where, inter alia, detainees are members of or otherwise linked to the same or rival criminal networks. It may also relate to cases where the detainee is at risk of being abused by another detainee or cases where the detainee is likely to influence another detainee to seriously disturb order or security.⁶¹¹ According to chapter 1, section 27 of the SPPS regulations and general advice on Prisons, a reassessment of the risks must be carried out when there is reason to do so.⁶¹²

As mentioned in part 10 above, chapter 7, section 11 of the Prisons Act mandates the government to decide in relation to a particular detainee on exceptions to the provisions on visits and correspondence

⁶⁰⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 9.

⁶⁰⁷ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, chapter 1, section 9.

⁶⁰⁸ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons ([Kriminalvårdens föreskrifter och allmänna råd om häkte \[KVFS 2011:2\]](#)), 10 January 2011, general advice to chapter 1, section 9.

⁶⁰⁹ Sweden, Ordinance on Prisons ([Fängelseförordning \[2010:2010\]](#)), 22 December 2010, section 10.

⁶¹⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 2, section 1.

⁶¹¹ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, general advice to section 10, para 2 of the Ordinance on Prisons.

⁶¹² Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2011, chapter 1, section 27.

if this is necessary having regard to national security or the risk that the detainee during the implementation of the sentence in Prison participates in terrorist offences under section 4 of the Terrorist Offences Act.⁶¹³

c. Training of staff

SPPS has developed a strategy against organised crime, violent extremism and honour-related crimes. According to the strategy, staff at Prisons and Remand Prisons work closely with detainees to be able to identify if, for example, a detainee changes his or her behaviour.⁶¹⁴

SPPS reports that training to prevent violent extremism has been established as part of the SPPS basic training of new staff. There are also specific targeted information and training initiatives within the framework of continuing training initiatives, such as theme days or equivalent. A basic e-course has also been developed which is available for all staff. In addition, some staff are trained in various risk assessment instruments. The group of staff working with planning of the implementation of the sentence are also trained to pay particular attention to signs of links to organised crime, violent extremism and honour-related crime. SPPS reports that the so-called risk principle, the need principle and the responsivity principle (*riskprincipen, behovsprincipen och mottaglighetsprincipen, RBM*) are guiding principles in the planning and implementation of measures to prevent reoffending.⁶¹⁵

d. Deradicalisation measures

SPPS assesses that violent extremism and radicalisation in Prison is limited in Sweden.⁶¹⁶ By the end of 2023, there were approximately 140 detainees in Remand Prisons and Prisons with links to violent extremist movements.⁶¹⁷ In 2022, SPPS reported that certain circumstances such as an increasing proportion of inexperienced employees and the high occupancy rate hampered the Agency's work to counter and identify radicalisation in Prisons.⁶¹⁸ However, in 2023, SPPS reported that the ability to identify and counter radicalisation in Prisons had been very good.⁶¹⁹

As mentioned in part 7 (a) above, an individual sentence plan is established for each detainee. The plan is followed throughout the implementation of the sentence, including during the time the detainee is placed under supervision, such as detainees on parole. SPPS reports that various initiatives are planned within the framework of the implementation of the sentence, based on the risk principle, the need principle and the responsivity principle.⁶²⁰ As outlined in part 8 (e) above, SPPS offers several different

⁶¹³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, sections 10 and 11.

⁶¹⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

⁶¹⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

⁶¹⁶ Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Annual report for 2022 ([Årsredovisning 2022](#)); and Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)).

⁶¹⁷ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 75.

⁶¹⁸ Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Annual report for 2022 ([Årsredovisning 2022](#)), p. 74.

⁶¹⁹ Sweden, Prison and Probation Services (*Kriminalvården*) (2024) Annual report for 2023 ([Årsredovisning 2023](#)), p. 75.

⁶²⁰ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

treatment programs, including programs on the prevention of criminality.⁶²¹ The treatment programme “Entré” is primarily aimed at high-risk individuals who are involved in organised crime and at other detainees with a high risk of reoffending in serious violent crime. This program has been evaluated and deemed suitable also for treatment of detainees with links to violent extremist movements.⁶²² SPPS reports that the Entré programme is currently used for treatment of radicalised detainees.⁶²³ In preparing for release, SPPS has contacts with other authorities, municipalities and organisations to plan exit activities. Other initiatives offered by civil society may also be considered.⁶²⁴

e. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.⁶²⁵ The NPM does not refer to measures provided to address radicalisation in detention in relation to the protocols and decisions they refer to.

17. Inspections and monitoring

a. Inspections

The Act with Instructions for the Parliamentary Ombudsmen (*Lag [2023:499] med instruktion för Riksdagens ombudsmän (JO)*) regulates the Ombudsman’s mandate to conduct inspections of detention facilities. According to section 11 of the Act, the Ombudsmen are mandated with oversight of those who conduct public activities to ensure that they comply with laws and other regulations and that they otherwise fulfil their obligations.⁶²⁶ Section 14 of the Act states that the oversight mandate of the Ombudsmen covers 1) state and municipal authorities; 2) officials and other executives at state and municipal authorities; 3) others who have a position or assignment involving the exercise of authority, insofar as concerns the activities that constitute the exercise of authority; and 4) officials and contractors in state-owned enterprises when performing assignments on behalf of the enterprises in such limited companies where the state, through the enterprises, exercises a controlling influence.⁶²⁷

⁶²¹ Sweden, Prison and Probation Services (*Kriminalvården*), Treatment program (*Behandlingsprogram*) <https://www.kriminalvardens.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>, official webpage, accessed 29 April 2024.

⁶²² In 2022, 18 detainees identified to be violent extremists had completed the program since its start in 2017, see Sweden, Prison and Probation Services (*Kriminalvården*) (2023) Annual report for 2022 (*Årsredovisning 2022*), p. 55.

⁶²³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

⁶²⁴ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 14 May 2024.

⁶²⁵ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁶²⁶ Sweden, Act with Instructions for the Parliamentary Ombudsmen (*Lag (2023:499) med instruktion för Riksdagens ombudsmän (JO)*), 29 June 2023, section 11.

⁶²⁷ Sweden, Act with Instructions for the Parliamentary Ombudsmen (*Lag (2023:499) med instruktion för Riksdagens ombudsmän (JO)*), 29 June 2023, section 14.

Section 18 of the Act specifically outlines that, within the framework of the Parliamentary Ombudsmen's oversight activities, the Ombudsmen shall fulfil the tasks assigned to a National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on December 18, 2002.⁶²⁸

The Parliamentary Ombudsmen state that the Ombudsmen conduct regular inspections of places where persons are deprived of their liberty, as required by Article 1 of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶²⁹ The Act with Instructions for the Parliamentary Ombudsmen does not specify the regularity of the oversight. However, section 17 of the Act states that the oversight by the Ombudsmen is conducted through, inter alia, inspections and other investigations that the Ombudsmen deem necessary.⁶³⁰ Thus, by virtue of its position as an extraordinary supervisory body, the Parliamentary Ombudsman may, within the framework of the Act on Instructions for the Parliamentary Ombudsmen, determine the aspects to be investigated as well as the regularity of the oversight.

b. Access to detention facilities by national authorities

As outlined in part 17 (a) above, the Parliamentary Ombudsmen have access to detention facilities within the framework of its oversight activities, including the tasks assigned to the Ombudsman as the national preventive mechanism. At present, the Parliamentary Ombudsmen is the authority that exercises the main external oversight over compliance with the laws and regulations in the SPSS's work with the detainees. Section 35 of the Act with Instructions for the Parliamentary Ombudsmen also mandates the Ombudsman to refer a case to another supervisory agency to investigate and examine the case, if the agency has not previously examined the matter. For example, the Ombudsman may refer a case concerning health and medical care issues to the Health and Social Care Inspectorate (*Inspektionen för vård och omsorg, IVO*). Only cases that have been brought through a complaint may be referred to the Chancellor of Justice (*Justitiekanslern, JK*).⁶³¹ In a very few cases, the Chancellor of Justice has carried out inspections in Remand Prisons and Prisons.⁶³²

In addition to the Chancellor of Justice and the Health and Social Care Inspectorate, there are other supervisory authorities with a mandate to scrutinise the SPSS's activities, such as: the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) (Discrimination Act); the Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten, IMY*) (personal data processing); the Swedish Work Environment Authority (*Arbetsmiljöverket*) (work environment and working hours); and the Swedish Schools Inspectorate (*Skolinspektionen*) (formal adult education). These supervisory authorities are also

⁶²⁸ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 18.

⁶²⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen*) '[Inspections and OPCAT](#)', official webpage, accessed 14 March 2024.

⁶³⁰ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 17.

⁶³¹ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 35.

⁶³² Sweden, Government (*Regeringen*) (2015) Supervision of the Police Authority and the Prison and Probation Service ([Tillsyn över polisen och Kriminalvården](#)), government official report, SOU 2015:57, p. 143.

given access to SPPS facilities.⁶³³ However, as stated above, the oversight of the SPPS's activities in relation to detainees is currently mainly carried out by the Parliamentary Ombudsmen.

Section 8 of the Ordinance with instructions for the Swedish Prison and Probation Service outlines that a transparency council must be established at the agency.⁶³⁴ The Council consists of, among other actors, members of the Parliament. The Council shall advise the SPPS Director-General. The Council has no decision-making function.⁶³⁵

c. Access to detention facilities by international bodies

Sweden has ratified the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In doing so, Sweden has undertaken to allow the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to inspect places where persons are deprived of their liberty and to receive information regarding the deprivation of liberty.⁶³⁶

Sweden has also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This gives the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment access to places of detention in Sweden.⁶³⁷

SPPS reports that members of the European Parliament do not have free access to Swedish Remand Prisons and Prisons but can be allowed on pre-announced visits if this can be arranged.⁶³⁸

In 2022, the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement visited the Remand Prison in Malmö. However, the delegation was unable to hold interviews and meet with detainees in the Remand Prison to assess their treatment. This was because the Prosecutor's Office declined to grant the permission, despite the advance authorisation sought. This prevented the delegation to assess the treatment of Africans and persons of African descent.⁶³⁹

d. NPM assessment

Reports from the National Preventive Mechanism

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

⁶³³ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁶³⁴ Sweden, Ordinance with instructions for the Swedish Prison and Probation Service ([Förordning \[2007:1172\] med instruktion för Kriminalvården](#)), 29 November 2007, section 8.

⁶³⁵ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁶³⁶ United Nations (UN) Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1 December 2002, article 2 and 14.

⁶³⁷ Council of Europe (CoE) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1 March 2022.

⁶³⁸ Sweden, e-mail correspondence with SPPS (*Kriminalvården*), 21 May 2024.

⁶³⁹ United Nations (UN), Human Rights Council (2023) [International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement Visit to Sweden](#), 18 April 2023.

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.⁶⁴⁰ The NPM does not refer to the accessibility of detention facilities for the purposes of inspections and monitoring of detention conditions in relation to the protocols and decisions they refer to.

18. Access to remedy

a. Legal remedies

Remand Prisons and Prisons

Chapter 14 of the Prisons Act⁶⁴¹ and chapter 7 of the Remand Prisons Act⁶⁴² regulate detainees' right to appeal a decision.

According to chapter 14, section 2 of the Prisons Act⁶⁴³ and chapter 7, section 4 of the Remand Prisons Act,⁶⁴⁴ the decision taken in accordance with these Acts must be reviewed by SPPS before it can be appealed. 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 must be considered to be a request for a review. Chapter 14, section 3 of the Prisons Act⁶⁴⁵ and chapter 7, section 5 of the Remand Prisons Act,⁶⁴⁶ state that a request for review must 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 must indicate what decision the request refers to and what change in the decision he or she is requesting. SPPS must 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 SPPS.

When a review by SPPS has been conducted, the detainee has the right to appeal the decision to an Administrative Court (*Förvaltningsrätt*). This is stipulated in chapter 14, section 1 of the Prisons Act⁶⁴⁷ and section 7, section 3 of the Remand Prisons Act.⁶⁴⁸

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.⁶⁴⁹ According to section 41 of the Administrative Procedure Act, such a decision may be appealed if the decision can be assumed to affect a person's situation in a significant way.⁶⁵⁰

⁶⁴⁰ Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

⁶⁴¹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 14.

⁶⁴² Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 7.

⁶⁴³ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 14, section 2.

⁶⁴⁴ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 7, section 4.

⁶⁴⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 14, section 4.

⁶⁴⁶ Sweden Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 7, section 5.

⁶⁴⁷ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 14, section 1.

⁶⁴⁸ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 7, section 3.

⁶⁴⁹ Sweden, Administrative Procedure Act ([Förvaltningslag \[2017:900\]](#)), 28 September 2017.

⁶⁵⁰ Sweden, Administrative Procedure Act ([Förvaltningslag \[2017:900\]](#)), 28 September 2017, section 41.

Notably, decisions taken by SPPS under the Prisons Act and the Remand Prisons Act or that affect a detainee's situation in a significant way can be appealed and be subject to court proceedings.

Thus, in case of a breach or violation of a standard, the first step is to request a review by SPPS. After a review by SPPS, the detainee has the right to appeal a decision taken in accordance with the Remand Prisons Act or the Prisons Act to an Administrative Court. For matters 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.

It is also possible for detainees to submit a complaint to the Parliamentary Ombudsman (*Justitieombudsmannen, JO*)⁶⁵¹ or to the Chancellor of Justice (*Justitiekanslern, JK*).⁶⁵²

As mentioned in part 12 (a) above, the Act on International Co-operation in the Implementation of Criminal Sentences mandates the Swedish Government to decide on transfers of implementation of a sentence to another state. In a case from 2021, the Supreme Administrative Court held that the Government's decision to reject an application to transfer the implementation of a prison sentence to another State was not subject to judicial review.⁶⁵³

b. Legal assistance

Remand Prisons:

As outlined in part 10 (a) above, according to chapter 21, section 9 of the Code of Judicial Procedure, a person who is detained in a Remand Prison has the right to meet his or her public defence council in private.

Chapter 3, section 4 of the Remand Prisons Act provides an explicit right for detainees to call their public defence counsel.⁶⁵⁴ As mentioned in part 10 (b) above, electronic communication between detainees and their public defence counsels may not be monitored, according to chapter 3 section 5 of the Remand Prisons Act.⁶⁵⁵

According to chapter 3, section 10 of the SPPS regulations and general advice on Remand Prisons, a detainee may be granted permission to make phone calls outside the SPPS's so called INTIK system if there are strong reasons for doing so. The general advice to the provision states that strong reasons may call for a lawyer other than the appointed public defence counsel.⁶⁵⁶

⁶⁵¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen JO*), [How to complain](#), official website, accessed 18 April 2024.

⁶⁵² Sweden, Chancellor of Justice (*Justitiekanslern JK*), [official website](#), accessed 18 April 2024.

⁶⁵³ See further in part II below.

⁶⁵⁴ Sweden, Remand Prisons Act (*Häkteslag [2010:611]*), 10 June 2010, chapter 3, section 4.

⁶⁵⁵ Sweden, Remand Prisons Act (*Häkteslag [2010:611]*), 10 June 2010, chapter 3, section 5.

⁶⁵⁶ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Remand Prisons (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, chapter 3, section 10, and general advice.

Chapter 3, section 6 of the Remand Prisons Act states that correspondence between detainees and their public defence counsel shall be forwarded without examination.⁶⁵⁷

Prisons:

There is no corresponding regulation on the right to meet in private or call a lawyer for detainees in Prisons. However, chapter 7 section 5 of the Prisons Act states that electronic communication between detainees and their lawyer may not be monitored.⁶⁵⁸ In a recent case, the Supreme Administrative Court stated that the principle of *lis pendens* in the Administrative Procedure Act applies to decisions made under the Prisons Act, including applications for permission to call a lawyer.⁶⁵⁹

According to chapter 7, section 13 of the SPPS regulations and general advice on Prisons, a detainee may be granted permission to make phone calls outside the SPPS's so called INTIK system if there are strong reasons for doing so. The general advice to the provision states that strong reasons may call for a lawyer other than the appointed defence counsel.⁶⁶⁰

Chapter 7, section 2 of the Prisons Act states that a visit by a lawyer who assists the detainee in a legal matter may be monitored only if the lawyer or the detainee so requests.⁶⁶¹ According to chapter 7, section 6, correspondence between detainees and their lawyer shall be forwarded without examination.⁶⁶²

c. Request and complaints

In addition to the information provided in part 18 (a) above, there are no other provisions on the right to request a review or appeal a decision by SPPS. According to the SPPS website, the written decision by SPPS contains information about the right to request a review of the decision. SPPS also states that the detainee's contact person can assist with a request for review.⁶⁶³

According to section 30 of the Act with Instructions for the Parliamentary Ombudsmen, a person deprived of his or her liberty may send letters to the Ombudsmen notwithstanding any restrictions imposed on him or her as to the right to send letters and other documents.⁶⁶⁴

d. Independent authority

⁶⁵⁷ Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 3, section 6.

⁶⁵⁸ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 5.

⁶⁵⁹ See part II on national case law below.

⁶⁶⁰ Sweden, Prison and Probation Services (*Kriminalvården*), SPPS regulations and general advice on Prisons ([Kriminalvårdens föreskrifter och allmänna råd om fängelse \[KVFS 2011:1\]](#)), 10 January 2010, chapter 7, section 13 and general advice.

⁶⁶¹ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 2.

⁶⁶² Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 7, section 6.

⁶⁶³ [Överklaga beslut - För dömd eller häktad | Kriminalvården \(kriminalvarden.se\)](#)

⁶⁶⁴ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 30.

As outlined in part 18 (a) above, a decision by SPPS can be appealed to the Administrative Court.⁶⁶⁵ The Administrative Court may also refer a case back to SPPS for review or affirm/reverse SPPS's decision. A decision by the Administrative Court can be appealed to the Administrative Court of Appeal.

A detainee can also submit a complaint to the Parliamentary Ombudsman or to the Chancellor of Justice.

The Parliamentary Ombudsman may issue a decision on whether an action by someone under the Ombudsman's oversight violates a law or any other regulation or is otherwise incorrect or inappropriate.⁶⁶⁶ The Ombudsman may also initiate certain disciplinary measures, inter alia, refer cases to a regular supervisory authority for disciplinary action or report an official to the authority empowered to decide on the measure.⁶⁶⁷ As stated above, the Ombudsman may also refer a case to another agency which can investigate and examine the case.⁶⁶⁸ In the role of Extraordinary Prosecutor, the Ombudsman may also initiate criminal proceedings against an official in certain cases.⁶⁶⁹

The Chancellor of Justice cannot issue instructions on how a matter before a government agency is to be processed or decided or review decisions made by other government agencies. However, in the role of Extraordinary Prosecutor, the Chancellor of Justice has the right to prosecute officials who have committed a criminal act by disregarding her or his duties.⁶⁷⁰ In addition, the Chancellor of Justice may file a complaint for disciplinary actions, dismissal or suspension and bring an action in court to change an agency's decision in such matters.⁶⁷¹

e. NPM assessment

Reports from the National Preventive Mechanism

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

Comments from the National Preventive Mechanism

The NPM interprets its mandate as limited to referring to existing reports, protocols and decisions.⁶⁷² The NPM does not refer to the existence and use of effective remedy dealing with detention conditions in relation to the protocols and decisions they refer to.

⁶⁶⁵ Sweden, Prisons Act ([Fängelselag \[2010:610\]](#)), 10 June 2010, chapter 14, section 1, and; Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 10 June 2010, chapter 7, section 3.

⁶⁶⁶ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 20.

⁶⁶⁷ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, sections 22-23.

⁶⁶⁸ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, section 35.

⁶⁶⁹ Sweden, Act with Instructions for the Parliamentary Ombudsmen ([Lag \(2023:499\) med instruktion för Riksdagens ombudsmän \(JO\)](#)), 29 June 2023, sections 21 and 28-29.

⁶⁷⁰ Sweden, Act on the Oversight of the Chancellor of Justice ([Lag \(1975:1339\) om Justitiekanslerns tillsyn](#)), 15 December 1975, section 5.

⁶⁷¹ Sweden, Act on the Oversight of the Chancellor of Justice ([Lag \(1975:1339\) om Justitiekanslerns tillsyn](#)), 15 December 1975, sections 6–7.

⁶⁷² Sweden, e-mail correspondence with representative of the OPCAT unit, 1 March 2024.

Part II: National case-law

Sweden, Supreme Administrative Court (*Högsta förvaltningsdomstolen*), Stockholm / case 2689-23, 2024 ref. 3, 16 January 2024

Thematic area	10.b. Correspondence and 18.a. Access to legal remedy
Decision date	16 January 2024
Reference details	Sweden, Supreme Administrative Court (<i>Högsta förvaltningsdomstolen</i>), case 2689-23 , 2024 ref. 3, 16 January 2024.
Key facts of the case	The applicant, who was placed in a Prison, requested permission to call his lawyer in October 2022, was rejected and appealed the decision to the court. While the case was pending, the applicant applied again in January 2023. SPPS refused to make a decision on the applicant's request based on the principle of <i>lis pendens</i> ⁶⁷³ as the appeal against its earlier negative decision was ongoing. Question of whether SPPS was prohibited from making a decision by the principle of <i>lis pendens</i> in the Administrative Procedure Act or whether it should have reassessed its decision under the Prisons Act.
Main reasoning/argumentation	SPPS argued that the <i>lis pendens</i> rule of the Administrative Procedure Act should apply in regard to decisions to be made under the Prisons Act. The Supreme Administrative Court found that the Prisons Act lacks provisions dealing with the situation at hand and that section 39 of the Administrative Procedure Act on <i>lis pendens</i> was therefore applicable. The decisive question was therefore whether the new application related to the same matter as the previous one. For this to be the case, the request to call a specific person would have to relate to the same circumstances – for instance the timing and subject of the telephone calls – as the previous request. It was therefore clear that the new request did not relate to the same matter as the previous one and SPPS therefore should have examined the application on its merits, not dismissed it without consideration.
Key issues (concepts, interpretations) clarified by the case	The principle of <i>lis pendens</i> in the Administrative Procedure Act applies to decisions made under the Prisons Act, including applications for permission to call, but only as far as the subject matter of the new application is substantially the same as that of the application pending appeal.

⁶⁷³ The principle that an authority may not change a decision or take a new decision in the same matter once an appeal against an authority's decision has been submitted to the higher court that will hear the appeal.

Results (sanctions) and key consequences or implications of the case	The appeal by SPPS was dismissed, requiring SPPS to make a decision on the merits of the application.
Key quotation in original language and translated into English with reference details	<p>“15.... För att en ansökan om att få ringa till en viss person ska anses röra samma sak som en tidigare ansökan om att få ringa till samma person krävs att omständigheterna – exempelvis när samtalen ska äga rum och vad samtalet rör – är desamma.</p> <p>16. Det står klart att [sökandens] nya ansökan inte avser samma sak som den tidigare ansökan. Kriminalvården borde därför inte ha avvisat hans ansökan utan prövat den i sak.”</p> <p>”15... In order for an application to call a particular person to be considered to relate to the same subject matter as a previous application to call the same person, the circumstances - such as when the calls are to take place and what the call is about - must be the same.</p> <p>16. It is clear that [the applicant’s] new application does not concern the same matter as the previous application. Therefore, the Prison and Probation Service should not have rejected his application but examined it on its merits.”</p>

Sweden, Supreme Administrative Court (*Högsta förvaltningsdomstolen*), Stockholm / case 5998-20, 2021 note. 14, 8 April 2021

Thematic area	12.a. Special measures for foreign nationals; 18.a. Access to legal remedy
Decision date	8 April 2021
Reference details	Sweden, Supreme Administrative Court (<i>Högsta förvaltningsdomstolen</i>), case 5998-20 , 2021 note. 14, 8 April 2021
Key facts of the case	The Swedish Government may under certain circumstances decide that a prison sentence issued in Sweden should be transferred to another state. The applicant, who is an Ethiopian citizen, was sentenced to 16 years in prison in Sweden. The applicant argued that the conditions of his detention in Sweden were inhumane and requested that he be transferred to Ethiopia to serve his sentence. The Government rejected the application as there was neither a transfer agreement with Ethiopia nor extraordinary reasons for granting the transfer. The applicant requested judicial review of the decision.
Main reasoning/argumentation	An individual may request judicial review over decisions which affect their civil rights in the meaning of Art 6(1) of the European Convention of Human Rights. The Supreme Administrative Court has in previous cases held that no right to judicial review exists over decisions in which

	discretionary decision-making power is legally provided to the Government, as such cases do not involve a right of the individual. According to law, the Government has discretion to decide over transfers of implementation of sentences to another state in cases where no agreement exists between the states. Thus, the Supreme Administrative Court rejected the request for judicial review of the Government's decision.
Key issues (concepts, interpretations) clarified by the case	The Supreme Administrative Court held that the Government's decision to reject an application to transfer the implementation of a prison sentence to another State was not subject to judicial review.
Results (sanctions) and key consequences or implications of the case	The Government's decision not to transfer the applicant to Ethiopia to serve his prison sentence stood.
Key quotation in original language and translated into English with reference details	<p>“10. Bestämmelsen ger regeringen en diskretionär rätt att avgöra om verkställigheten av en frihetsberövande påföljd ska anförtros myndighet i annan stat. [Sökanden] har således inte någon på nationell rätt grundad rättighet att få verkställigheten av fängelsestraffet överförd till Etiopien. Regeringens beslut innefattar därmed inte en prövning av hans civila rättigheter i den mening som avses i artikel 6.1 i EKMR.”</p> <p>”10. The provision gives the Government a discretionary right to decide whether the enforcement of a custodial sentence should be entrusted to the authorities of another State. Thus, [the applicant] has no right under national law to have the enforcement of his prison sentence transferred to Ethiopia. The Government's decision therefore does not involve an examination of his civil rights within the meaning of Article 6(1) of the ECHR.”</p>