



Report of Various Size – Fieldwork research (FRANET)

Criminal Detention in the EU – Conditions and Monitoring

Country Report Sweden

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1. Cell space

- a) What is the national standard for cell space available to prisoners in m²? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

Cell space in detention centres and prisons

a) There are no specific national rules in Sweden on what a cell in prisons or detention centres should measure in m². However, the necessary equipment of all cells/rooms are regulated. An inmates room must be equipped with a chair, a table, a cupboard, a bed including pillow, and other bed equipment, a mirror, a notice board, a mug, an alarm clock, a radio, and a device that enables the person to regulate the influx of daylight e.g. a window blind. In a facility where the inmates are locked in their cells in connection with the day-to-day rest, the room must also be equipped with a TV. In other facilities, the rooms do not have to be equipped with television if they have access to one in a shared space. These regulations do not apply if an inmate is placed in solitary confinement. In this case, the cell shall be equipped to the standard for a normally equipped cell to the appropriate extent, based on the circumstances of the individual case.¹ In an institution where the inmates are locked into their cells in connection with the day-to-day rest, the cell must have a signal device for communication with the staff. In other facilities, there should be such a device at each section.² These provisions are regulated in the Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*) and the Prison and Probation Services regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*).

b) 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 inmates. These are closed facilities. Security class two refers to facilities that also are closed, but have a generally lower security level than the prisons in security class one. Prisons within this category may have different degrees and forms of monitoring and control. The prisons referred to as security class three do not have escape barriers and can be called open detention regimes. Semi-open prisons do not exist. All detention centres are closed.³ Regarding cell space, the same regulations apply

¹ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 17, 10 January 2011, available at (all links in this document were accessed the 30 May 2018):

https://www.kriminalvardens.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

² Sweden, Prison and Probation Services, Prison and Probation Services regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 18, 10 January 2011, available at:

https://www.kriminalvardens.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

³ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvardens.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>

for people being held in detention as for those in prison. It is also the same for all prisons regardless of security level.⁴

c) **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 28 May 2015, available at: www.jo.se/Global/CPT-rapport_2016-01-inf-eng_2.pdf**

In the most recent report from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (further shortened CPT) the report addressed the conditions of detention for the general prison population.

Comment: Material conditions in the cells at the remand prisons visited were generally of a good standard (and even very good at Malmö Remand Prison). The cells, each measuring between approximately 7 m² and 9 m², were suitably equipped (bed with full bedding, table or desk, chair, locker, shelves, television, call bell, and a washbasin), access to natural light was generally adequate (with the exception of some of the cells at Malmö and Växjö remand prisons, where access to natural light was somewhat restricted by slats fixed on cell windows) and the artificial lighting and ventilation was sufficient. Inmates had ready access to well-equipped and clean communal showers and washing facilities every day or every second day. Overall, prisoner accommodation areas were clean and in a good state of repair.

Translated into national language: Materialförhållandena i cellerna hos de besökta fängelserna höll i allmänhet god standard (och även mycket god standard på anstalten i Malmö). Cellerma, som mäter mellan ca 7 m² och 9 m² var lämpligt utrustade (sänd med kompletta sängkläder, bord eller skrivbord, stol, skåp, hyllor tv, ringklocka och ett handfat), tillgången till naturligt ljus var i allmänhet adekvat (med undantag för några av cellerna i Malmö och Växjös fängelser, där tillgången till naturligt ljus var något begränsad av lameller som satt på cellernas fönster) och den artificiella belysningen och ventilationen var tillräcklig. De intagna ha de tillgång till gemensamma duschar som var välutrustade och rena samt tvättmöjligheter varje dag eller varannan dag. Sämtantaget var de intagnas boendearea ren och i gott skick.

2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- e) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

Please cite any relevant sources

⁴ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 1, section 17, 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1.pdf

a) Recommendations state that all inmates should be given the opportunity to daily care of their personal hygiene.⁵ The corresponding recommendations are also available for inmates at detention facilities.⁶ There are some institutions and detention centres where the restrooms are located adjacent to the cells. In places where the sanitary facilities are located in an other area, the inmates have access to a signalling device that allows them to get in touch with staff during the times they are locked up, i.e. during the night.⁷

b) There are no regulations regarding how often an inmate are allowed to shower, neither if there is any possibility to shower in private. This depends on the individual judgements and/or on individual safety assessments carried out in a detention plan.⁸ A detention plan shall be based on a risk assessment and a needs assessment for each inmate. A renewed risk or need assessment should be done when there is reason. Recommendations states that a risk assessment should identify the risks that are based on a mapping of the factors that are closest to the risk of an inmate:

- violating notified restrictions or affect others in cases or cases,
- escapes or is freed,
- uses threats or violence, or
- causes other serious misconduct.⁹

Based on an overall assessment, necessary risk management measures should be identified.¹⁰

c) The Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*)¹¹ states that an inmate should be given the opportunity to daily care of their personal hygiene. The corresponding provision is also available for detention facilities in the Prison and Probation Services regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*).¹²

d) 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 inmates. These are closed facilities. Security class two refers to facilities that also are closed, but have a generally lower security level than the prisons in security class one. Prisons within this category may have different degrees and forms of monitoring and control. The prisons referred to as security class three do not have escape barriers and can be called open detention regimes. Semi-open prisons do not exist. All detention centres are closed.¹³ Regarding sanitary facilities, the Prison and

⁵ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 15, 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁶ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

⁷ Sweden, e-mail correspondence with a Government Agency Lawyer at the Prison and Probation Services (*Kriminalvården*), 25 May 2018.

⁸ Sweden, e-mail correspondence with a Government Agency Lawyer at the Prison and Probation Services (*Kriminalvården*), 25 May 2018.

⁹ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 32, 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

¹⁰ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 26, 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

¹¹ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 15, 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

¹² Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

¹³ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>

Probation Services regulations and general advice about prisons¹⁴ recommend that the inmates must have the possibility to have a daily personal hygiene routine. It is also the same for all prisons regardless of security level. The corresponding provision is also available for detention facilities in the Prison and Probation Services regulations and general advice about detention centres.

e) **Recommendation from the 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 28 May 2015, available at: http://www.jo.se/Global/CPT-rapport_2016-01-inf-eng_2.pdf**

A majority of the inmates reported that they had access to a toilet facility, also at night time. There were a few complaints regarding delays gaining access to the toilet, sometimes up to three hours.

Recommendation: *The CPT recommended that actions are taken to ensure that prisoners who need to use a toilet facility are released from their cells without undue delay at all times, including at night.*

Translated into national language: *CPT rekommenderar att åtgärder vidtas för att säkerställa att fångar som behöver använda toaletten släpps ut från sina celler utan överdriven föresening vid alla tidpunkter, nattetid inkluderat.*

3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
 - a. Outdoors (within the boundary of the prison)?
 - b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- e) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

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National standard set for time per day/week spent by inmates in a detention centre outside of their cells:

a) Outdoors

An inmate shall be given the opportunity to be outdoors at least an hour every day unless there are special reasons not to.¹⁵ No other standard is available.

b) Indoors in the common area

¹⁴ Sweden, Prison and Probation Services, The Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

¹⁵ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 7, 22 December 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

According to the Act on Imprisonment (*Fängelselag [2010:610]*), an inmate shall, if possible, be offered appropriate employment in the form of work or other comparable activities, like education, training, programmes related to crime and substance abuse or some other structured occupational activity.¹⁶ An inmate must also be given the opportunity to engage in physical activity or other leisure pursuits.¹⁷

The Act on Detention (*Häkteslag [2010:611]*)¹⁸ regulates the possibilities the staff has to limit the inmates' contact with the surrounding world. An inmate who is held in detention, is detained or arrested for suspicions of crimes 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.

According to the Code of Judicial Procedure (*Rättegångsbalk [1942:740]*),¹⁹ contact restrictions may be implemented by the public prosecutor. He must in turn inform the court of his action at the latest the following day. The court must then confirm or reject the restrictions within the following week. A decision on restrictions may apply to restrictions on the right to:²⁰

1. be placed together with other inmates;
2. reside together with others;
3. follow what happens in the outside world;
4. hold magazines and newspapers;
5. receive visits;
6. communicate with others by electronic communication; or
7. send and receive consignments.

An inmate is entitled to be placed in a single room. However, a prison may place two or more persons in the same room if deemed necessary for space reasons or any other particular reason.²¹ The Act on Detention²² also regulates that an inmate should be given the possibility to spend time with others during daytime unless:

1. the inmate is placed in another facility than in a detention centre, where the circumstances do not allow association with others;
2. it is necessary to keep the inmate separated from other inmates for safety reasons; or
3. it is necessary to carry out a body search.

National standard set for time per day/week spent by prisoners outside of their cells:

a) Outdoors

The Act on Imprisonment²³ states that inmates shall be given the opportunity to spend time outdoors at least one hour per day, unless there are special reasons not to. The Prison and Probation Services' regulations and

¹⁶ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 3, section 1, 10 June 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

¹⁷ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 4, section 2, 10 June 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

¹⁸ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 6, section 1, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

¹⁹ Sweden, Code of Judicial Procedure (*Rättegångsbalk [1942:740]*), chapter 24, section 5a, 1 January 1999, available in English at: <https://www.regeringen.se/49bb67/contentassets/5503f73d320b4de5bb521dd7ee07500a/the-swedish-code-of-judicial-procedure>

²⁰ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 3, section 1, 10 June 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

²¹ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 1, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

²² Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 5, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

²³ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

general advice about prisons²⁴ gives examples of such special reasons like an unforeseen situation that makes it necessary to keep the prisoners apart from each other regulated in the Act on Imprisonment²⁵, and as a consequence, the circumstances are such that outdoor activities are impossible.

b) Indoors in the common area

The Act on Imprisonment²⁶ states that during the time an inmate is required to perform or participate in an occupation, he or she shall stay together with others unless otherwise is stated in the Act of Imprisonment or due to the particular nature of the occupation. An inmate shall be given the opportunity to access common areas during his or her spare time, unless otherwise is stated in the Act of Imprisonment. The inmates may be kept separated from each other during the day-to-day rest.

b) The Act on Imprisonment²⁷ stipulates that an inmate should be given the opportunity to appropriately engage in physical activity and other spare time occupations. The Prison and Probation Services' regulations and general advice about prisons²⁸ points out that access to leisure time occupations, provision of mass media and possibilities to exercise one's religion or hold meetings may be restricted for reasons of order and safety and as a result of practical conditions in the area of the Prison and Probation Services, for example institutional routines and resources. The Prison and Probation Services' regulations and general advice about prisons²⁹ recommends that the leisure time occupations that the prisoners shall have the opportunity to engage in should be varied. The general advice states that an inmate should be given the opportunity of a leisure time occupation based on the personal needs identified in the enforcement plan. Inmates should be given the opportunity to borrow simple equipment for leisure time occupations such as CD players and head phones, musical instruments and board games. A prerequisite for lending of such equipment is that the inmate has not previously manipulated or damaged property lent to him or her and is not expected to do so.

What inmates can do in their free time depends a lot on which facility they are located in. The older facilities provides less opportunities than the new ones. However, most prison facilities offers pool tables, table tennis and darts in the common areas. There are usually facilities available for sports and many prison facilities have areas for ball game, indoors and/or outdoors.³⁰

Many prison facilities, have libraries, where the inmates can lend books that belong to the municipality library. Sometimes the prisons shows movies on a screen or at the prisons's TV-system. There are often courses available in e.g. cooking or learning an instrument. The visits from family and friends are also considered as leisure time.³¹

c) Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), 10 June 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

²⁴ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, available at:

https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

²⁵ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 6, section 5, 10 June 2010, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

²⁶ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 6, 10 June 2010, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

²⁷ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 4, section 2, 10 June 2010, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

²⁸ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, available at:

https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

²⁹ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 4, section 1, January 2010, available at:

https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

³⁰ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Leisure time (*Fritid*), available at <https://www.kriminalvarden.se/lattlast/for-dig-som-domts-till-fangelse/fritid/>

³¹ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Leisure time (*Fritid*), available at <https://www.kriminalvarden.se/lattlast/for-dig-som-domts-till-fangelse/fritid/>

Sweden, Act on Detention (*Häkteslag [2010:611]*) Chapter 2, Section 5, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

Sweden, Code of Judicial Procedure (*Rättegångsbalk [1942:740]*), available in English at: <https://www.regeringen.se/49bb67/contentassets/5503f73d320b4de5bb521dd7ee07500a/the-swedish-code-of-judicial-procedure>

Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

d) 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 inmates. These are closed facilities. Security class two refers to facilities that also are closed, but have a generally lower security level than the prisons in security class one. Prisons within this category may have different degrees and forms of monitoring and control. The prisons referred to as security class three do not have escape barriers and can be called open detention regimes. Semi-open prisons do not exist. All detention centres are closed.³² The corresponding provision is also available for detention facilities in the Prison and Probation Services' regulations and general advice about detention centres.³³

Institutions of safety class 1 and 2 are admitted to keep the inmates locked in their cells in connection with the day-to-day rest between 7 p.m. and 8 a.m. In addition to the time of locking and unlocking a ward, an inmate may not be locked up longer than twelve hours per day according to this provision. Locking may commence 15 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 15 minutes after the set time of unlocking at the ward.³⁴

In an institution of safety class 3 the inmates may be locked into their wards in connection to their day-to-day rest period between 9 p.m. and 8 a.m. In addition to the time of locking and unlocking the ward an inmate may not be locked up longer than ten hours per day according to this provision. Locking may commence 30 minutes before the time for locking is set at the ward. Unlocking must be completed no later than 30 minutes after the set time of unlocking at the ward.³⁵

e) **Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2011–2014, published 2016, available at: http://www.jo.se/Global/Report_NPM_Sweden_2011-2014_English.pdf**

³² Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>

³³ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2011, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

³⁴ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 6, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

³⁵ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 6, 10 January, 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

The meaning of what constitutes “exceptional reasons” for not offering outdoor access has been discussed in two decisions from 2013.

One decision concerned an inmate who had been forced to wear handcuffs in the walking yard because the doors to the remand prison’s exercise yards lacked “handcuff hatches”. If the inmate had not accepted wearing handcuffs, the remand prison stated that there would have been exceptional reasons for denying the inmate daily outdoor access.

Recommendation: According to the Parliamentary Ombudsman, it would have been possible for the remand prison to anticipate the need for handcuff hatches, thus rendering the exception to the Act on Detention inapplicable. According to the Parliamentary Ombudsman, it should not be possible – if circumstances are within the authority’s control – for the Prison and Probation Service to deny an inmate outdoor access with reference to deficiencies in the physical environment and inadequate staffing levels.

National language: Enligt JO hade det varit möjligt för häktet att förutse behovet av fängselluckor och i sådana fall är undantaget i häkteslagen inte tillämpligt. Enligt JO bör det inte vara möjligt för Kriminalvården att – om förhållandena ligger inom myndighetens kontroll – neka en intagen utomhusvistelse med hänvisning till dels brister i den fysiska miljön, dels bristande personaltäthet.

The second decision discussed an incident in which the Prison and Probation Services had denied an entire section daily outdoor access for a number of days as a means to separate inmates.

Recommendation: According to the Parliamentary Ombudsman, the Prison and Probation Services can deny inmates outdoor access in the initial stage of a period of solitary confinement. However, the Parliamentary Ombudsman is of the opinion that if the solitary confinement period is protracted, it can hardly be claimed that the situation was unforeseen. Immediately after a making a decision on solitary confinement, a prison is thereby obliged to commence planning so as to make it possible to offer inmates one hour of daily outdoor access as soon as possible.

National language: Enligt JO kan Kriminalvården i ett inledande skede av en avskildhetsperiod neka intagna utomhusvistelse. Om avskildheten drar ut på tiden kan det emellertid enligt JO knappast hävdas att situationen är oförutsedd. Därmed är en kriminalvårdsanstalt skyldig att omedelbart efter att ett avskildhetsbeslut fattats, påbörja planeringen för att så snart som möjligt kunna erbjuda de intagna en timmes daglig utomhusvistelse.

4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

a) National standard set regarding solitary confinement: Prison

The specific term 'solitary confinement' is not used when speaking about prison in Sweden. However, an inmate may be kept 'separated from others', which is the equivalent to solitary confinement. The various reasons and rules are described below. In addition to this, inmates may be locked in their own cells at night.³⁶

An inmate can be kept separated from other for the following reasons:

The Act of Imprisonment³⁷ stipulates that an inmate may be granted to be separated from others on his or her own request if it is deemed appropriate. A consent for separation according to the first paragraph shall be reviewed as often as possible, but at least once a month. Inmates can be kept separated from each other temporarily if it is considered necessary to maintain order and safety.³⁸ They may temporarily be kept separated from the others if considered necessary because an inmate is violent or intoxicated. If a separation according to paragraph 1 can not be carried out at the current facility, an inmate can be placed in a detention facility for a maximum of 48 hours.³⁹

Inmates can also be separated from others if necessary:⁴⁰

1. with regard to the safety of the country;
2. with regard to the fact that there is a risk for the inmates' or other persons' safety to life or health or for serious damage to property that belongs to or has been granted to the Prison and Probation Services;
3. with regard to there being a risk that the inmate 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 inmate to engage other inmates in severely disturbing the order at the institution,
5. in order to prevent the inmate to distribute or access alcohol, drugs or other intoxicants e.g. certain doping classed drugs⁴¹ or other goods included in the law prohibiting certain health hazardous goods;⁴² or
6. in order to prevent the inmate to seriously molest another inmate.

A decision to separate an inmate from others shall be reviewed as often as possible, but at least every 10 days. Inmates who are kept 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. An inmate who is kept in solitary confinement for other reasons shall be examined by a physician if deemed necessary for the health status of the inmate, but at least once a month.⁴³ The same rules apply for all three security levels.

National standard set regarding solitary confinement: Detention centres

³⁶ Sweden, e-mail correspondence with a Government Agency lawyer of the Prison and Probation Services (*Kriminalvården*), 25 May 2018.

³⁷ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*) chapter 6, section 4, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

³⁸ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 6, section 5, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

³⁹ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 6, section 6, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

⁴⁰ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

⁴¹ Sweden, Act on the prohibition of certain dopants (*Lag [1991:1969] om förbud mot vissa dopningsmedel*), 19 December 1991, available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-19911969-om-forbud-mot-vissa-dopningsmedel_sfs-1991-1969

⁴² Sweden, Act on the prohibition of certain goods hazardous to health (*Lag [1999:42] om förbud mot vissa hälsofarliga varor*), available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-199942-om-forbud-mot-vissa-halssofarliga_sfs-1999-42

⁴³ Sweden, e-mail correspondence with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 25 May 2018.

Inmates can be separated from others if necessary:

1. with regard to the safety of the country,
2. with regard to the fact that there is a risk for the inmates' or other persons' safety to life or health or for serious damage to property that belongs to or has been granted to the Prison and Probation Services,
3. with regard to there being a risk that an inmate escapes or gets freed and it can be assumed that he or she is particularly inclined to continue serious criminal activity.

When an inmate is placed in solitary confinement, it is necessary to investigate the prerequisites for isolation-breaking measures. Examples of actions breaking isolation are restriction groups and meeting sessions. A restriction group means that two or more members, restricted from spending time with other inmates, are staying together in the presence of personnel. Meeting sessions means that two inmates, with or without restrictions, spends a certain amount of daytime together in a living room or other designated space without the presence of staff. If an inmate is confined to restrictions, restriction group and meeting sessions may only be granted to the extent that the prosecutors allow. An inmate with restrictions may only have meeting sessions with other inmates who has restrictions.⁴⁴

b) Swedish prisons are divided into three security classes. Security class one is the highest security class who are equipped to cope with the most risky inmates. This is a closed prison. Security class two is establishments who are closed but with a lower security level than at the prisons labelled with security class one. Prisons within this category may have different degree and form of monitoring and control. The prisons regarded to be in the security class three do not have escape barriers and can be called open.⁴⁵ Semi-open prisons do not exist. All detention centres are closed.⁴⁶

c) **Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2011–2014, published 2016, available at: www.jo.se/Global/Report_NPM_Sweden_2011-2014_English.pdf**

The Prison and Probation Services has the mandate to put inmates in solitary confinement in order to the investigate suspected misconduct. The Parliamentary Ombudsman has emphasised that a placement in solitary confinement is an extra-ordinary measure.

Recommendation: To ensure that the period in isolation does not continue for longer than is absolutely necessary, it is the Parliamentary Ombudsman's opinion that it is essential that the prison has control over which investigative measures that have been taken. For this reason, it is important that a prison clearly documents all investigative measures.

National language: För att säkerställa att avskildheten inte pågår längre än vad som är absolut nödvändigt är det enligt JO av central betydelse att anstalten har kontroll över vilka utredningsåtgärder som har vidtagits. Av den anledningen är det viktigt att en anstalt på ett tydligt sätt dokumenterar alla utredningsåtgärder.

⁴⁴ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2010, available at: https://www.kriminalvardens.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

⁴⁵ Sweden, Prison and Probation Services (*Kriminalvården*), official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvardens.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>

⁴⁶ Sweden, telephone interview with a Government Agency lawyer at The Prison and Probation Services (*Kriminalvården*), 18 May 2018.

Another decision concerns an incident in which a number of inmates were placed in solitary confinement in connection with the investigation of suspected misconduct. The action was taken in order to allow the prison to investigate “what the basis was for a risk of misconduct having been deemed to exist”.⁴⁷

Recommendation: According to the Parliamentary Ombudsman, no incident had occurred at the time of the decision on solitary confinement was made, which could be investigated as suspected misconduct. There was thus no possibility to place the inmates in isolation pursuant to the legal text cited.

National language: Enligt JO hade det vid tidpunkten för placering i avskildhet inte inträffat någon händelse som skulle kunna utredas som en misstänkt misskötsamhet. Därmed saknades möjlighet att placera de intagna i avskildhet med stöd av det åberopade lagrummet.

In one case, the Prison and Probation Services had placed an inmate in isolation for three months. For most of that time, the inmate had been placed in cells that was only equipped with a bed. The inmate was also under constant supervision.

Recommendation: The Parliamentary Ombudsman found that the prison had not taken any significant action to mitigate the effects of isolation and that the inmate had thereby been almost completely isolated for two months. The Prison and Probation Services was heavily criticised for not having attempted to rectify the inmate’s situation by means of a new placement at an earlier stage.

National language: JO konstaterade att kriminalvårdsanstalten inte hade vidtagit isoleringsbrytande åtgärder i någon större omfattning och därmed att den intagne hade varit i stort sett helt isolerad under två månaders tid. Kriminalvården fick allvarlig kritik för att inte i ett tidigare skede genom en omplacering försökt komma till rätta med den intagnes situation.

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.
- e) Please, provide a link to the National Preventive Mechanism’s reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

⁴⁷ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), Recommendations from the National Preventive Mechanism – NPM, report from the OPCAT unit 2011–2014, published 2016, p. 13, available at: www.jo.se/Global/Report_NPM_Sweden_2011-2014__English.pdf

a) Healthcare in a detention centre:

An inmate, who needs healthcare or medical services must be examined by a doctor. A doctor shall also be called if an inmate requests to see a doctor, and it is not obvious that such an examination is not needed. An inmate, who needs healthcare or medical services shall be treated in accordance with the instructions of a doctor. If an inmate cannot be examined or treated appropriately in the place of confinement, the public health service shall be used. If necessary, the inmate shall be transferred to a hospital. If needed for security reasons, the prisoner shall be placed under surveillance.⁴⁸

Healthcare in a prison:

A prisoner who needs healthcare or medical services shall be treated in accordance with the instructions of a doctor. If the inmate cannot be examined or appropriately treated in the prison, the public health service shall be used. If necessary, the prisoner shall be transferred to a hospital. If it is necessary for security reasons, the prisoner shall be placed under surveillance.⁴⁹

Health care in detention centres and in prisons:

Every detention centre and prison must have access to a licensed doctor and trained staff with suitable medical competence.⁵⁰ All Swedish detention centres and prisons have a reception centre for healthcare matters where at least one nurse is present on a daily basis. A doctor should be there one or two times a week. Many centres also has a psychiatrist.⁵¹

An inmate should be asked for his/her state of health in connection with his or her admission to the institution. The inmate 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 detention centre or another prison. An inmate with an ongoing medical treatment should always be given the opportunity to see a nurse.⁵²

If an inmate is prescribed a certain medicine he/she shall have access to that medicine in accordance to the prescription.⁵³

In case of acute illness or injury, a prisoner should immediately receive medical attention.⁵⁴

⁴⁸ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 5, section 1, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

⁴⁹ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 9, section 1, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

⁵⁰ Sweden, Ordinance on Detention Centres (*Häktesförordning [2010:2011]*), section 15, available at:

https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/haktesforordning-20102011_sfs-2010-2011 and Sweden, Ordinance on imprisonment (*Fängelseförordning [2010:2010]*), section 25, available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelseforordning-20102010_sfs-2010-2010

⁵¹ Sweden, Prison and Probation Services, official website, Healthcare (*Sjukvård*), available at:

<https://www.kriminalvarden.se/behandling-och-varld/sjukvard/>

⁵² Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*) chapter 5, section 1, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1.pdf

and Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*) Chapter 9, section 1, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁵³ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 5, section 2, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1.pdf

and Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 9, section 2, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁵⁴ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 5, section 3, 10 January 2010,

Dental care and glasses

An inmate in a detention centre or a prison, who needs emergency dental care shall be given such care.⁵⁵

An inmate in a prison, who needs basic dental care should get such care, if it can be appropriately arranged and if the sentence still can be enforced in an effective manner.⁵⁶

An inmate, who needs to be examined by an optician or need glasses may be granted financial support for this purpose after the inmate's own financial capacity has been assessed.⁵⁷

b) As stated above, a prisoner in need of healthcare or medical services shall be given the care which is specified by a doctor. Hence, if an inmate is in need of specialist healthcare or medical services, this must be arranged.

An inmate may, if needed and if he/she accept such care, be transferred to forensic psychiatric care which is referred to in the Act of Forensic Psychiatric Care⁵⁸ (*Lag om rättspsykiatrisk vård [1991:1129]*)⁵⁹ section 6, first paragraph.⁶⁰

An inmate in prison can be placed for a *Stay-in-Care* in a Home for Care and Accommodation (*Hem för vård och boende*) by the social services⁶¹. A *Stay-in-Care* may be granted for a prisoner who needs care or treatment for the substance abuse of a dependency producing substance or for some other special condition that can be assumed to be linked to his or her criminality, providing that there is no noticeable risk that he or she will commit crimes, evade the full enforcement of his or her sentence or otherwise seriously misbehave.⁶² When assessed

available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf and Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 9, section 3, 10 January 2010,

available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁵⁵ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 1, section 16, 10 January 2010,

available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

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

available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁵⁶ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons

(*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 1, section 16, 10 January 2010,

available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁵⁷ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention

centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), chapter 6, section 1 and 6, 10 January

2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

and Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about

prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), chapter 13, section 1 and 5, 20 January

2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

[tryckversionpdf](https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf)

⁵⁸ Sweden, e-mail correspondence with a Government Agency lawyer at the Prison and Probation Services

(*Kriminalvården*), 28 May 2018.

⁵⁹ Sweden, Act of Forensic Psychiatric Care (*Lag om rättspsykiatrisk vård [1991:1129]*), section 6, paragraph 1, 1

September 2008, available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-19911129-om-rattpsykiatrisk-var-d-sfs-1991-1129)

[19911129-om-rattpsykiatrisk-var-d-sfs-1991-1129](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-19911129-om-rattpsykiatrisk-var-d-sfs-1991-1129)

⁶⁰ Unofficial translation: Forensic psychiatric care is given at a health care institution run by a county council. The person who is given open forensic psychiatric care may be granted to visit outside such a medical care institution.

⁶¹ Sweden, Social Services Act (*Socialtjänstlagen [2001:453]*) chapter 6, Section 1, 1 September 2008, available at:

http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453

⁶² Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 11, section 3, 1 April 2010, available in English at:

https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

if an inmate may be the subject of a *Stay-in-Care*, the need of care for i.e. a psychiatric problems and disabilities must be considered.⁶³

The Prison and Probation Services offers five different treatment programs for inmates, who have an addiction. If an inmate already has undergone a treatment program, he or she may participate in the Relapse Prevention Program to gain more practice in managing different risk situations in regards of addiction.⁶⁴

c) The standard is regulated in the following Swedish legal instruments:

Act on detention (*Häkteslag [2010:611]*), 1 April 2010, available in English at:
https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

Ordinance on Detention Centres (*Häktesförordning [2010:2011]*), 22 December 2010, available at:
https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/haktesforordning-20102011_sfs-2010-2011

Act on Imprisonment (*Fängeslag [2010:610]*), 10 June 2010, available in English at:
https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangeslagen-engelska.pdf

Ordinance on prisons (*Fängelseförordning [2010:2010]*), 22 December 2010, available at:
https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelseforordning-20102010_sfs-2010-2010

The standard is regulated in the following Swedish regulations:

The Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*), 10 January 2010, available at:
https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

The Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, available at:
https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

d) Swedish prisons are divided into three security classes. Security class one is the highest security class who are equipped to cope with the most risky prisoners. This is a closed prison. Security class two is establishments who are closed but with a lower security level than at the prisons labelled with security class one. Prisons within this category may have different degree and form of monitoring and control. The prisons regarded to be in the security class three do not have escape barriers and can be called open.⁶⁵ Semi-open prisons do not exist. All detention centres are closed.⁶⁶ The measures mentioned under this question is applicable regardless of detention regime. An individual assessment will always be made and an inmate in a Security class one prison will not be as likely to be subject for a *Stay-in-Care* arrangement as an inmate in a Security class three prison.⁶⁷

⁶³ Sweden, Prison and Probation Services The Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), General advice on chapter 11, section 3, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁶⁴ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, Addiction and dependence (*Missbruk och beroende*), available at: <https://www.kriminalvarden.se/behandling-och-varld/behandlingsprogram/missbruk-och-beroende/>

⁶⁵ Sweden, Prison and Probation Services (*Kriminalvården*), official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse-sakerhetsklass/>

⁶⁶ Sweden, telephone interview with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 18 May 2018.

⁶⁷ "A *Stay-in-Care* may be granted for an inmate (...) providing there is no noteworthy risk that he or she will commit crime, evade the full enforcement of his or her sentence or otherwise seriously misbehave", the Prison and Probation Services' regulations and general advice about prison (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*)

e) A summary from recommendation one. From the Annual report of the Parliamentary Ombudsman (*Justitieombudsmannens Ämbetsberättelse*) 2017/18 JO1, p. 131, available at:

<http://www.jo.se/Global/Ämbetsberättelser/JOs%20ämbetsberättelse%202017-18.pdf>

During an OPCAT inspection of a Swedish prison, attention was drawn to the fact that prisoners was subject to extensive security arrangements in connection with transport and stays outside the facility.⁶⁸

The Chief Parliamentary Ombudsman concluded amongst other things the following regarding the case:

English translation: *JO has previously expressed the view that the intention must be that a prisoner should be examined by a doctor without other persons in the room, even during supervised hospital visits, and that the Prison and Probation Services should prepare planned visits to a hospital in such a way that, if possible, accompanying probation officers don't have to be present during the examinations. This must be considered to apply also when treatment is to be carried out in other healthcare institutions.*⁶⁹

In national language: *JO har tidigare gett uttryck för uppfattningen att utgångspunkten måste vara att den intagne ska kunna undersökas av läkare i enrum även under bevakade sjukhusvistelser och att Kriminalvården inför planerade besök på sjukhus har till uppgift att förbereda besöken på ett sådant sätt att man så långt möjligt undviker att medföljande vårdare behöver närvara vid undersökningarna. Motsvarande får anses gälla när behandling ska genomföras inom hälso- och sjukvården.*

English translation: *To sum up, the Prison and Probation Services has a very important work ahead when it comes to ensuring that safety and risk assessments become more nuanced and individually adapted. They should take into account the medical conditions of the inmate and the need for the protection of privacy. The Prison and Probation Services should also consider how the authority can ensure that coercive measures in various forms is documented in a satisfactory manner.*⁷⁰

In national language: *Kriminalvården har sammanfattningsvis ett mycket viktigt arbete framför sig när det gäller att se till att säkerhets- och riskbedömningarna blir mer nyanserade och individanpassade samt att bl.a. de intagnas medicinska tillstånd och behov av integritetsskydd beaktas. Kriminalvården bör också överväga hur myndigheten ska säkerställa att tvångsmedelsanvändning i olika former dokumenteras på ett tillfredsställande sätt.*

General advice on chapter 11, section 3, Act on imprisonment, available at:

https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁶⁸ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), Annual reports (*Justitieombudsmannens Ämbetsberättelse*) 2017/18 JO1, P. 131, available at:

www.jo.se/Global/Ämbetsberättelser/JOs%20ämbetsberättelse%202017-18.pdf

⁶⁹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), Decision 1088-2016, An initiative regarding the individual assessments made by the Prison and Probation Services regarding security and risks in relation to the inmates' transportation to and visits in healthcare institutions (*Initiativ angående Kriminalvårdens individuella bedömningar av säkerhet och risker i samband med intagnas transporter till och vistelser vid sjukvårdsinrättningar*), 25 April 2017, p. 8, available at: www.jo.se/PageFiles/8608/1088-2016.pdf

⁷⁰ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), Decision 1088-2016, An initiative regarding the individual assessments made by the Prison and Probation Services regarding security and risks in relation to the inmates' transportation to and visits in healthcare institutions (*Initiativ angående Kriminalvårdens individuella bedömningar av säkerhet och risker i samband med intagnas transporter till och vistelser vid sjukvårdsinrättningar*), 25 April 2017, p. 11, available at: www.jo.se/PageFiles/8608/1088-2016.pdf

A summary from recommendation two, *National Preventive Mechanism – NPM, report from the OPCAT unit 2011–2014*, published 2016, available at: www.jo.se/Global/Report_NPM_Sweden_2011-2014__English.pdf

In October 2013, an elderly woman was to be transferred from a detention centre to a prison. She was supervised in the detention centre due to her “unclear health status” but was only allowed to see a nurse the day after her arrival to the detention centre. After this appointment, she was transported to a prison, a journey on about 300 kilometres. The day after her arrival to the prison, the woman was found confused and dehydrated, and was taken to hospital immediately.⁷¹

The Chief Parliamentary Ombudsman concluded the following regarding the case.

English translation: *I would like to emphasize the importance that the Prison and Probation Services has appropriate and more flexible procedures that makes it possible to avoid similar situations in the future. I also note that the Prison and Probation Services today lacks resources in the form of special healthcare wards in order to receive female inmates with need of specialised care. There is, in my opinion, no acceptable reason why female inmates should not have access to the same conditions as male inmates with a need for specialised care. In my opinion, The Prison and Probation Services should actively work to overcome this shortcoming.*⁷²

National language: *Avslutningsvis vill jag framhålla vikten av att Kriminalvården inför lämpliga och mer flexibla rutiner som gör att liknande situationer kan undvikas i framtiden. Jag noterar även att Kriminalvården i dag saknar resurser i form av särskilda vårdavdelningar för att kunna ta emot kvinnliga intagna med ett omvårdnadsbehov. Det finns enligt min mening inte något godtagbart skäl för varför kvinnliga intagna inte ska ha tillgång till samma förutsättningar som manliga intagna med omvårdnadsbehov. Enligt min mening bör Kriminalvården aktivt arbeta med att komma till rätta med denna brist.*

6. Special measures in place to protect juvenile prisoners.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

⁷¹ Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), National Preventive Mechanism – NPM, report from the opcat unit 2011–2014, 2016, p 41, available at: http://www.jo.se/Global/Report_NPM_Sweden_2011-2014__English.pdf

⁷² Sweden, Parliamentary Ombudsman (*Justitieombudsmannen, JO*), Decision 6413-2014, Serious criticism against the the Prison and Probation Services, detention centre Jönköping, for shortcomings in the treatment of a prisoner etc (*Allvarlig kritik mot Kriminalvården, häktet Jönköping, för brister i behandlingen av en intagen m.m.*) p. 12, 2015-04-20, available at: <http://www.jo.se/PageFiles/6430/6413-2014.pdf>

a) An inmate in a detention centre or a prison, who is under the age of 18 years may not be placed together with prisoners aged 18 or over, unless this can be considered to be in his or her best interests.⁷³ The Act on imprisonment (*Fängelselag [2010:610]*) and the Act on Detention (*Häkteslag [2010:611]*) only regulate rules for persons under 18 years old in the individual plans and risk assessments concerning implementation of the punishment and the placement, which should be made for each prisoner.⁷⁴ The age can be a factor to consider when working with the plans and assessments.⁷⁵

When an inmate in a detention centre is under 18 years old, measures should be taken to avoid that the person is left completely alone, as much that is possible 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 prisoners over 18 years of age.⁷⁶

In some detentions and prisons there are special places for young persons. There are eight prisons with a special task to accept young persons. Those institutions are characterized by having a high level of staff, smaller wards (not so many persons per ward), and a clear assignment.⁷⁷

b) The definition of who should be considered as a young person in the Prison and Probation Services is a person who was registered by the Prison and Probation Services before the age of 21. Such a person is considered a “young person” during the entire execution of the sentence or until the person turns 24 years old.⁷⁸

c) Swedish prisons are divided into three security classes. Security class one is the highest security class who are equipped to cope with the most risky prisoners. This is a closed prison. Security class two is establishments who are closed but with a lower security level than at the prisons labelled with security class one. Prisons within this category may have different degree and form of monitoring and control. The prisons regarded to be in the security class three do not have escape barriers and can be called open.⁷⁹ Semi-open prisons do not exist. All detention centres are closed.⁸⁰ The measures stated in this question is applicable regardless of detention regime and security level.

d) No recommendation available about juvenile prisoners.

7. Special measures in place to protect prisoners from violence

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

⁷³ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, Section 3, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

Sweden, Act on Imprisonment (*Fängelselag [2010:610]*) chapter 2, section 3, 10 June 2010, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

⁷⁴ This is further elaborated on in question 7 a.

⁷⁵ Sweden, unofficial, e-mail correspondence with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 28 May 2018.

⁷⁶ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*) general advice regarding chapter 2, section 3, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1.pdf

⁷⁷ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2016 (*Årsredovisning 2016*), p. 45, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2016.pdf>

⁷⁸ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2016 (*Årsredovisning 2016*), p. 45, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2016.pdf>

⁷⁹ Sweden, Prison and Probation Services (*Kriminalvården*), official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse-sakerhetsklass/>

⁸⁰ Sweden, telephone interview with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 18 May 2018.

- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmb-by-regions-and-countries/>

Please cite any relevant sources

a) In the area of security, the Prison and Probation Services works towards zero tolerance stating that violence, threats and harassment among inmates are not accepted.⁸¹ The prerequisites for a safe environment in the prisons and detention centres are reliable security technology, which includes locks and alarms. Staff working closely with the inmates are regularly trained on how to use this equipment in order to ensure the high level of security.⁸²

According to the Prison and Probation Services, the terms *attitude/behaviour (förhållningssätt)* and *response/personal treatment (bemötande)* are the basis for their work with the inmates (*klientnära*). Employees should have good interpersonal skills and an attitude that creates healthy and balanced relationships with the inmates.⁸³

The employees shall be available for the inmates and physically be where they are. The employees shall go through training and regularly practice to maintain a high level of security for the inmates in prisons and detention centres. The Prison and Probation Services (*Kriminalvården*), is continuously working on educational initiatives for the staff, which are expected to lead to enhanced systematic security work and a good security culture where everyone reports incidents.⁸⁴

Special provisions in prisons

When placing an inmate, an individual assessment is made and the decision on where to place an inmate is made on the basis of the outcome of this assessment. The specific measures available depend on the design of the premises and the security level of the prison in question.⁸⁵

An inmate may not be placed so that he or she is subjected to a more intrusive supervision and control than necessary in order to maintain good order or security. The inmate's need of occupation, care and appropriate leisure occupations must be taken into account to the extent possible when deciding on placement.⁸⁶ When

⁸¹ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2017 (*Årsredovisning 2017*), p. 63, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2017.pdf>

⁸² Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2017 (*Årsredovisning 2017*), p. 63, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2017.pdf>

⁸³ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2017 (*Årsredovisning 2017*), p. 62, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2017.pdf>

⁸⁴ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2017 (*Årsredovisning 2017*), pp. 62-64, <https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2017.pdf>

⁸⁵ Sweden, unofficial, e-mail correspondence with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 25 May 2018.

⁸⁶ Sweden, Act on Imprisonment (*Fängelselag [2010:610]*), chapter 2, section 1, 1 april 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

making this assessment, special consideration shall be made for the need to avoid the inappropriate composition of the inmates.⁸⁷

An inappropriate composition of inmates may for example be inmates 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 inmates who is at risk of being abused by another inmate, or an inmate who may influence another prisoner or seriously disturb the security.⁸⁸ The assessments of the risks shall among other things take into account;

- the nature and extent of the past and present crime,
- the outcome of past and ongoing enforcement,
- if it is a member of or has any connection with a criminal network or gross organized crime,
- the personal circumstances of the person, such as addiction or mental illness.⁸⁹

Any decision on placement must be preceded by an overall assessment of that specific case. This assessment must not result in an inmate being placed under a higher or lower degree of supervision and control than is necessary to maintain the order or security.⁹⁰

Special provisions in detention centres

An inmate must be given the opportunity to be together with other inmates unless it is necessary for security reasons to hold him/her separated from other inmates.⁹¹ An inmate is entitled to be placed in a room of his/her own.⁹²

A plan for the detention must be established within two weeks of detention. The plan should be individually designed according to the circumstances of the individual case. The detention plan shall be based on a risk assessment and a needs assessment for each inmate. A renewed risk or need assessment should be done when necessary. The risk assessment should identify possible risks of the inmate using threats or violence, or causing other serious misconduct. Based on this overall assessment the necessary risk management measures should be identified.⁹³

⁸⁷ Sweden, Ordinance on imprisonment (*Fängelseförordning [2010:2010]*), section 10, paragraph 2, 22 December 2010, available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelseforordning-20102010_sfs-2010-2010

⁸⁸ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*) General advice on section 10 of the Ordinance on imprisonment, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁸⁹ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*) Chapter 2, section 1, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁹⁰ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), General advice on chapter 2, section 1 of the Act on Imprisonment, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

⁹¹ Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 5, paragraph 2, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

⁹² Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 1, 1 April 2011, available in English at: https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

⁹³ Sweden, Prison and Probation Services, Prison and Probation Services' regulations and general advice about detention centres (*Kriminalvårdens föreskrifter och allmänna råd om häkte [KVFS 2011:2]*) chapter 1, section 25, chapter 1, section 26 including general advice, 10 January 2010, available at: https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_2-fark-hakte-tryckversion-1pdf

b) The Education Department at the Prison and Probation Services became LGBTQ certified⁹⁴ by the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (*Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter, RFSL*)⁹⁵ in 2017. The certification means, among other things, that employees at each Competence Centre within the Prison and Probation Services have undergone basic LGBTQ education and that there is a plan for follow-up and quality assurance.⁹⁶ In 2016, the Prison and Probation Services presented its strategy for their work with LGBTQ issues. The strategy's goal is to create conditions for realizing everyone's equal rights and opportunities within the organisation, regardless of sexual orientation, gender identity or gender expressions.⁹⁷ The strategy contains five focus areas that shall apply to all co-workers and inmates, 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.

There are no other specific measures to protect LGBTQ prisoners.⁹⁸

c) The standard is regulated in the following Swedish legal instruments:

Act on detention (*Häktelag [2010:611]*), 1 April 2011, available in English at:
https://www.kriminalvarden.se/globalassets/om_oss/lagar/hakteslagen-engelska.pdf

Act on Imprisonment (*Fängelselag [2010:610]*), 10 June 2010, available in English at:
https://www.kriminalvarden.se/globalassets/om_oss/lagar/fangelselagen-engelska.pdf

Ordinance on prison (*Fängelseförordning [2010:2010]*), 22 December 2010, available at:
https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelseforordning-20102010_sfs-2010-2010

The standard is presented in the following Swedish regulations and documents:

Prison and Probation Services, Annual report for 2017 (*Kriminalvårdens Årsredovisning 2017*), available at:
<https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2017.pdf>

Prison and Probation Services' regulations and general advice about prisons (*Kriminalvårdens föreskrifter och allmänna råd om fängelse [KVFS 2011:1]*), 10 January 2010, available at:
https://www.kriminalvarden.se/globalassets/publikationer/regelverk/kvfs-2011_1-fark-fangelse-tryckversionpdf

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

⁹⁴ 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.

⁹⁵ 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.

⁹⁶ Sweden, Prison and Probation Services (*Kriminalvården*), Official website, A basic education strengthens quality and the security (*Grundutbildning stärker kvaliteten och säkerheten*), available at: <https://www.kriminalvarden.se/jobba-hos-oss/grundutbildning/>

⁹⁷ Sweden, Prison and Probation Services (*Kriminalvården*), The Prison and Probation Services' 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.

⁹⁸ Sweden, unofficial, e-mail conversation with an employee working within the Human resources unit at the Prison and Probation Services (*Kriminalvården*), 31 May 2018.

Prison and Probation Services (*Kriminalvården*), Support material to the Prison and Probation Services' strategy and activityplan for the work with LGBTQ issues (*Stödmaterial till Kriminalvårdens strategi och aktivitetsplan för arbetet med hbtq-frågor*), KV 2016-13814, 19 May 2017, no URL link available.

- e) Swedish prisons are divided into three security classes. Security class one is the highest security class who are equipped to cope with the most risky prisoners. This is a closed prison. Security class two is establishments who are closed but with a lower security level than at the prisons labelled with security class one. Prisons within this category may have different degree and form of monitoring and control. The prisons regarded to be in the security class three do not have escape barriers and can be called open.⁹⁹ Semi-open prisons do not exist. All detention centres are closed.¹⁰⁰

As stated above, when placing an inmate, an individual assessment is made and the decision on placement is based on the outcome of that assessment. The security measures, such as how many staff, locked doors etc, for the open and closed detention regimes vary depending on the assessment on different risk factors, such as the risk of violence etc. The inmates' security is important regardless of detention regime and security level.

e) Recommendation number one, from the Parliamentary Ombudsman's Annual report (*Justitieombudsmannens ämbetsberättelse*) 2016/17 JO1, p. 247, available at: <http://www.jo.se/Global/Ämbetsberättelser/JOs%20ämbetsberättelse%202016-17.pdf>

Translated into English: *The investigation shows that the prison Färingsö has seriously failed in its handling of pepper spray. The shortcomings have included e.g. that a pepper spray has not been properly stored for a long period. Since the pepper spray had been stored in a space which the inmates had access to, there was a risk that it would end up in the wrong hands. Both staff and inmates have been exposed to danger, and the Prison and Probation Services deserves serious criticism for this. After the incident, the Prison and Probation Services has adjusted its regulations on pepper sprays. Even the specific prison has changed its local manuals. These adjustments are, in my opinion, appropriate. Properly applied, they will ensure that the Prison and Probation Services has the required control of the pepper sprays hereinafter.*¹⁰¹

National language: *Utredningen visar att anstalten Färingsö på ett allvarligt sätt har brustit i hanteringen av pepparsprejerna. Bristerna har inneburit bl.a. att en pepparsprej under lång tid inte har förvarats på ett korrekt sätt. Genom att den funnits i ett utrymme som de intagna haft tillgång till har det funnits en risk för att den skulle kunna hamna i orätta händer. Såväl personal som intagna har utsatts för fara, och Kriminalvården, anstalten Färingsö, förtjänar allvarlig kritik för detta. Kriminalvården har efter händelsen justerat sina föreskrifter om pepparsprejer. Även anstalten har ändrat i den lokala instruktionen. Dessa justeringar är enligt min mening ändamålsenliga, och rätt tillämpade säkerställer de att anstalten har den kontroll på pepparsprejerna som kan krävas.*

Recommendation number two, from the 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 28 May 2015, p. 42, available at: http://www.jo.se/Global/CPT-rapport_2016-01-inf-eng_2.pdf

The following recommendation was presented:¹⁰²

⁹⁹ Sweden, Prison and Probation Services (*Kriminalvården*), official website, Security classification (*Säkerhetsklassificering*), available at: <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse/sakerhetsklass/>

¹⁰⁰ Sweden, telephone interview with a Government Agency lawyer at the Prison and Probation Services (*Kriminalvården*), 18 May 2018.

¹⁰¹ Sweden, Prison and Probation Services (*Kriminalvården*), Annual report for 2017 (*Årsredovisning 2017*), p 247, available at: www.jo.se/Global/Ämbetsberättelser/JOs%20ämbetsberättelse%202016-17.pdf

¹⁰² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and*

As already stressed by the Committee in the past, prison health-care services can and should make a significant contribution to the prevention of ill-treatment by the police, through the systematic recording of injuries observed on newly-arrived prisoners and, if appropriate, the provision of information to the relevant authorities. Any signs of violence observed when a prisoner is being medically screened on admission to such an establishment should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever a prisoner is medically examined following a violent episode within the prison. The CPT calls upon the Swedish authorities to review the existing procedures in order to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the competent authorities (e.g. the prosecutor), regardless of the wishes of the prisoner. The results of the examination should also be made available to the prisoner concerned and his or her lawyer.

As regards the content of the record to be drawn up after the medical screening, reference is made to the recommendation in paragraph 14 above, which is fully applicable here. The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed.

8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

Please cite any relevant sources

a) The prosecutor in charge of a case is responsible to provide the additional information requested. This specific prosecutor will provide his/her contact information when the arrest warrant is issued. There is no central authority that deals with these requests.¹⁰³

b) The Swedish National Preventive mechanism is the OPCAT unit at the Parliamentary Ombudsman (*Justitieombudsmannen, JO*).

Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, p. 42, available at: www.jo.se/Global/CPT-rapport_2016-01-inf-eng_2.pdf

¹⁰³ Sweden, unofficial, telephone interview, 1 June 2018 and e-mail conversation, 29 May 2018 with acting Prosecutor-General at the Swedish Prosecution Authority (*Åklagarmyndigheten*)