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RESPONSE OF THE SWEDISH GOVERNMENT TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) ON ITS VISIT TO SWEDEN FROM 5 TO 14 MAY 1991

The Swedish authorities have agreed to the publication of this document

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Ministry for Foreign Affairs
Stockholm, 20 August 1992

PREFACE

This is the response of the Swedish Government to the recommendations, comments and requests for information contained in the report 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 5 to 14 May 1991.

The delegation's report contains a summary of its recommendations, comments and requests for information. This response deals with each point set out in this summary.

The Government notes with appreciation the following introductory general remarks in the delegation's report:

"It should be said at the outset that the CPT's delegation heard no allegations within any of the places of detention visited that persons deprived of their liberty had been subjected to ill-treatment amounting to torture; nor was any other evidence of torture found."

"Further, no allegations were heard, or other evidence found, of ill-treatment in either Beckomberga Hospital or the Closed Unit of the Carlslund Refugee Centre."

"The information gathered by the CPT's delegation during its visit would suggest that at present, persons deprived of their liberty in Sweden run little risk of being physically ill-treated."

A. ILL-TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY: GENERAL REMARKS

a) Comments

- Importance of senior staff delivering to their subordinates the clear message that the ill-treatment of persons in their custody is not acceptable and will, if discovered, be dealt with severely (Paragraph 13)

The basic factor for the attitude of prison personnel vis-à-vis those in custody is naturally the legislative regulations in this area which have been determined by Parliament.

Under the Act concerning the Treatment of Detained and Arrested Persons (1976:371) a person who has been detained may not be subject to more extensive restrictions on his freedom than are required in view of the purpose of detention or with regard to the need for order and security. Such a person shall be treated so as to avoid the harmful consequences of deprivation of liberty. On condition that the detained person agrees, he shall, where possible, receive personal support and other assistance required (Section 1). This also applies, for example, to a person who has been arrested and detained on the basis of suspicion of crime.

In accordance with Section 9 of the Custody in Prison Act (1974:203), the prisoner should be treated with respect for his value as a human being and should receive understanding as regards the particular difficulties associated with detention in prison.

Regulations in accordance with the law are followed up by training of personnel, etc.

In order to receive permanent employment by the National Prisons and Probation Service (Kriminalvårdsverket), all warders must receive three months' training to provide the necessary competence, which involves both theoretical and practical elements. Considerable emphasis is placed on training in ethical matters and attitudes towards prisoners. Pupils have an experienced warder who provides guidance in their period of training. When employment commences, newly employed warders and temporary warders receive two weeks introductory training.

Considerable weight is also placed on ethical matters and on the supervisor's responsibility for the correct treatment of prisoners in the training of warders with supervisory status. The National Prisons and Probation Service's rules for prisons and detention centres also make warders responsible for continuously reporting to their superiors about conditions which concern the service of personnel responsible to such a supervisor. Such reports, which are to cover both work well carried out and also deficiencies and unsatisfactory situations, are also to be made available to the warders involved.

b) Requests for information

- Information on the number of complaints in recent years of ill-treatment by prison officers and the number of cases in which disciplinary and/or criminal proceedings were instituted, with particulars of any penalties imposed (Paragraph 12)

No statistics of any kind regarding the number of complaints received from prisoners against personnel in detention centres and prisons are recorded in Sweden.

Only one prosecution has been pursued against an employee concerning suspicion of misdemeanours against prisoners in the last five years. This prosecution did not lead to conviction.

In addition to the sanctions system under criminal law, the Act on Official Employment (1976:600) also states, amongst other things, that under certain conditions a government employee may be disciplined for misdemeanours if such an official has deliberately or negligently omitted to fulfil his responsibilities in his employment and where the misdemeanour is not of a minor nature. Disciplinary action involves warnings and deductions from pay. Each year, the Personnel Responsibility Committee at the National Prisons and Probation Administration examines one or two cases of a disciplinary nature involving complaints by a prisoner against personnel. Several complaints from prisoners are investigated by the National Prisons and Probation Administration and other organs within the National Prisons and Probation Service, but, in a substantial number of cases, such investigations do not justify raising this matter in the special committee which decides on disciplinary measures - the Personnel Responsibility Committee. The Chancellor of Justice and the Parliamentary Ombudsmen also receive such complaints, but at the moment there are no available statistics about the frequency of complaints of this type.

B. POLICE STATIONS

1. Conditions of detention

Recommendations

- The small detention cubicles at the Central Police Station in Stockholm to be either enlarged or dismantled (Paragraph 18)

The facilities concerned are to be regarded as so-called "waiting cells", that is to say premises which are designed for detention for a short period of persons who have been arrested or taken into custody and who are awaiting questioning, transportation or similar procedures.

The regulations for the design of police detention facilities are contained in the Decree containing Certain Regulations regarding Remand and Police Detention Facilities (1958:215) and in the National Police Board's regulations for police detention facilities (FAP 915-1). Briefly, the following applies. The floor space in a police cell shall in principal be at least 6 square metres. However, if special reasons apply, the supervisory authority may permit exceptions from this rule. Following a special application from the police authority, the supervisory authority may permit "waiting cells" which were utilized prior to 1 March 1987 to be used until further notice, even though they do not meet current requirements. However, with regard to the technical design, the detention period must be limited, normally to not more than one hour. The time limitation factor may be determined from case to case with regard to the type of deviation from stated norms. Police detention facilities

shall be inspected at least once every other year. The National Police Board is the supervisory authority for police detention facilities in Sweden and is also responsible for inspection of detention facilities under the auspices of the police authority in Stockholm.

The officer responsible for the duty section states that the six cells concerned were only used for exceptional situations when the Committee visited the facilities and, in such cases, were only employed for the detention of arrested persons for short periods while waiting for so-called "priority examination" of the person concerned. However, even taking this limited area of utilization into account, permission from the National Police Board was required to utilize these "waiting cells".

As a result of the Committee's recommendations, the Board will make an inventory of Swedish police cells in the course of its regular inspections with regard to floor area and will review permission which may have been granted in this respect.

As regards the six "waiting cells" concerned, the police authority in Stockholm will be informed that these cells do not meet requirements for permission and therefore may not be utilized for the purposes for which they have been employed. Furthermore, the Board intends to request funds from the Government to renovate these cells.

- The Swedish authorities to verify full compliance with the requirement that examined persons may not be deprived of customary meals (Paragraph 20)

Under Chapter 23, Section 12 of the Code of Judicial Procedure a person who is questioned in a preliminary investigation may not be prevented from taking meals at the customary time.

The Committee, which found that there were deficiencies in the routines for providing food for persons in detention, has recommended that compliance with this provision in the Code of Judicial Procedure should be followed up.

Problems may sometimes occur when a person is to be transported from one authority to another. Such a person may then leave his cell before a meal is served there and arrive at the new detention facility after meals have been served there. However, in view of the Committee's recommendations, the National Police Board will pay particular attention to this provision when the Board inspects police authorities. In addition, the Board intends to raise this question and other questions taken up in the report in the form of a memorandum addressed to the National Police School and police authorities throughout Sweden.

It should be emphasized, however, that the provisions in the Code of Judicial Procedure have a limited scope. They are only applicable in the case of questioning and are designed to protect the person questioned from treatment which is designed to impair his mental or physical condition. If, as the Committee apparently intends, it is considered appropriate to expressly regulate the right to normal mealtimes for all groups of persons held in police detention facilities, legislative measures should be considered. Provisions to this end might be included in legislation on the treatment of arrested and remanded persons etc. The National Police Board will also examine the question of whether it is possible to introduce provisions of this nature in the Board's regulations and general guidelines concerning the detention of individuals in police facilities (RPS FS 1986:35, FAP 102-1).

2. Safeguards against the ill-treatment of detainees

a) Recommendations

- Persons in police custody to have the right as from the outset of their custody (i.e. as soon as they are obliged to stay with the police) to have the fact that they have been detained notified to their next of kin or another third party of their choice; and any possibility to delay the exercise of this right to be clearly circumscribed, accompanied by appropriate safeguards, and subject to an express time limit (Paragraph 24)

Under Chapter 24, Section 9 of the Code of Judicial Procedure, the police are obliged to inform the immediate relatives of the person detained and other persons who are particularly close to the person detained when somebody has been detained. Notification shall be made as soon as possible, providing this does not have deleterious effects on the investigation.

The Committee has found that there are certain deficiencies in the drawing up of this provision and therefore recommend that the obligation to provide notification shall commence in connection with the arrest, that exceptions to this obligation are to be limited and expressly stated and that an ultimate time limit shall also apply for the entry into force of the obligation to provide notification.

The Committee's recommendations require changes in Chapter 24 of the Code of Judicial Procedure and possibly also in the Decree concerning Preliminary Investigation (1947:948). However, the Board is not convinced that such amendments are required, but will not oppose examination of the question. However, in this context police interests must be given considerable weight so that an obligation to

provide notification does not occur in situations which may put the investigation of the crime at risk. In this context, it may also be mentioned that the Parliamentary Ombudsmen raised the question of the introduction of regulations for the obligation of the police and the prosecutor in 1984 to inform relatives at least in the case of young people in connection with arrest (cf. JO 1985/86 p. 116).

- **The right for a person detained by the police to have access to a lawyer as from the outset of his custody to be expressly provided for (Paragraph 25)**

Under Chapter 21, Section 3, first Paragraph of the Code of Judicial Procedure, a suspect may be represented by defence counsel in the preparation and presentation of his case. Thus, in accordance with current rules, a suspect is entitled to engage defence counsel as soon as the investigation of his case has reached a stage where it may be said to be directed against him in the sense that he is suspected of a crime (cf. Gullnäs et al, Code of Judicial Procedure, 1, p. 21:10-12). When a person who may be suspected of crime on reasonable grounds is informed of this suspicion, the person responsible for questioning in accordance with Section 12 of the Preliminary Investigation Decree is obliged to inform the person concerned of this right. Thus, this obligation to notify the suspect applies irrespective of whether the person suspected has been deprived of his liberty or not.

As far as the National Police Board can judge, Swedish legislation thus already contains the provision recommended by the Committee. As a result, action to comply with the recommendation is probably not required.

- **A form setting out the rights to have a third party notified of their situation and to have access to a lawyer to be given systematically to persons detained by the police at the outset of their custody, and to be avaiable in different languages. Further, detainees to be asked to sign a statement attesting that they have been informed of those rights (Paragraph 29)**

It should be possible to introduce the arrangements recommended by the Committee by amending the Preliminary Investigation Decree. In this case, if considered appropriate, authority may be given to the National Police Board and/or the Prosecutor-General to determine the wording of the form for notification.

- **A person in police custody to have the right to be examined by a doctor of his choice; all medical examinations of persons in police custody to be conducted out of the hearing, and preferably out of the sight, of police officers; the results of all medical examinations as well as relevant statements of the detainee and the doctor's conclusions to be formally recorded by the doctor and made available to the detainee (Paragraph 31)**

The Committee's recommendations probably require amendments to the legislation. However, the National Police Board is not convinced that such amendments are required, but does not wish to oppose further examination of the matter. In this connection, it should be considered whether the right of the prisoner to choose a doctor himself should not be confined to cases in which the illness concerned requires specialist attention. It should be possible to achieve the arrangements recommended by amending legislation regarding the treatment of persons who are imprisoned or in remand, etc. The National Police Board is not able to judge whether additional amendments to health and medical care legislation and to the rules regarding a doctor's responsibilities are required.

- A code of practice for the conduct of police interviews to be drawn up, the code to address inter alia the following matters: informing the detainee of the identity (name and/or identity number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which an interview may take place; whether the detainee may be required to stand while being questioned; the interviewing of persons under the influence of drugs, alcohol etc. The code also to provide that a record be kept of the time at which interviews start and end, and of the persons present at each interview (Paragraph 33)

The background to the recommendations would appear to be that the Committee received the impression that persons responsible for police questioning do not receive sufficiently detailed instructions as to how questioning is to be carried out.

Most of the questions which would be included in such general guidelines are regulated by legislation, while others have been solved in practice or are the subject of statements made for example by the Parliamentary Ombudsmen. As a result, governmental measures as regards the issuing of regulations covering the questions which the general guidelines are expected to deal with are probably not required. General guidelines might be issued by the National Police Board, or by the National Police Board and the Prosecutor-General jointly, with the support of the instructions issued by the relevant authorities. It should be possible to commence such preparations in the near future. As regards the questioning of children, it may be noted that general guidelines of the type recommended by the Committee already exist (cf. National Police Board General Guidelines/FAP 403-1/ regarding the investigations of crimes committed by children under 15, etc.).

In this context, the National Police Board would like to emphasize that considerable time in the police training programme is devoted both to questioning techniques and to the formal rules for questioning. This applies both to basic training and various types of further training. This situation is reflected, for example, in the textbooks used at the National Police College which deal with this subject in some detail.

- **The possibility of making the electronic recording of police interviews a standard practice to be explored; the system introduced to offer all appropriate guarantees (Paragraph 34)**

Neither the Code of Judicial Procedure nor the Preliminary Investigation Decree contain any provisions regarding the recording of interrogations on tape. This technique is commonly used, however, and most police authorities probably have access to a varying extent to equipment for this purpose. The most common procedure is for questioning to be recorded when it is carried out and then to be transcribed and included in the record (so-called "dialogue questioning").

The Committee notes that tape recordings of police questioning provide, for example, an effective guarantee against ill-treatment of persons who have been deprived of their liberty. As a result, the Committee recommends that the possibility of generally applying this method should be studied.

The procedure for recording police questioning on tape has been considered in various contexts in recent years. The working group for methods employed by the criminal police - the KRIPUT Group appointed by the National Police Board some years ago - has discussed this question in a report

entitled "The Questioning of Witnesses" (RPS Report 1991:5), published in 1991. The Group notes, for example, that it is not feasible or reasonable to record all interrogation of witnesses on magnetic tape from a practical and financial point of view. However, the question of whether all initial questioning or the subsequent questioning of witnesses is to be recorded is determined by the person responsible for preliminary investigation or interrogation from case to case. In June 1991, the Group's report was submitted to county administrative boards and to police authorities for information and for possible implementation.

The terms of reference of the Prosecution Committee, which was appointed in 1990, include the study of whether it is possible to employ modern technology more effectively to simplify preliminary questioning, without reducing the requirements of the rule of law. In this context, the Committee is, amongst other things, to examine the question of whether the records from the preliminary investigation can be summarized in such a manner that they nonetheless fulfil the interests of the suspect and of his defence counsel. The Committee is to report not later than 1 July 1992.

The reports mentioned above will probably cover the Committee's recommendations regarding the implementation of studies. In the opinion of the National Police Board, further measures in this respect should not be considered until the Prosecution Committee's report has been published.

- Efforts to be made to develop a single and comprehensive custody record, showing all aspects of a detained person's custody and action taken regarding them (Paragraph 37)

In principal, there are two different forms used for the documentation of deprival of liberty undertaken by the police: one for administrative and one for criminal deprival of liberty. These forms have been drawn up by the National Police Board, but there are no general provisions regarding how deprival of liberty is to be documented.

The preprinted text in the above forms states which information is to be recorded. The documentation recommended by the Committee can be provided either by adding the information which is missing, thus supplementing the present form, or by preparing a new form. In order to meet the Committee's requirements for uniform documentation if this is possible, the question of whether the two forms which are currently used can be replaced by a joint form should also be studied. It should be possible for the National Police Board to take responsibility for this task. The Board has no objection to the inclusion of certain fundamental and general provisions regarding the documentation of legislative measures regarding the deprival of liberty. This may take the form of amendments to legislation regarding the treatment of persons in remand and custody, etc.

b) Comments

- **The role that can be played by a defence counsel during the interrogations might usefully be clarified by instructions or guidelines (Paragraph 26)**

The provisions regulating the right of defence counsel to be present at questioning in the preliminary investigation and the right of defence counsel to put questions to the persons under interrogation are contained in Chapter 23,

Sections 10 and 11 of the Code of Judicial Procedure. The rules are exhaustive and the National Police Board is not aware of any lack of clarity regarding their practical application. In the Board's view, there is therefore no reason to issue instructions or general guidelines in this respect. On the other hand, there may be reason for the National Police Board to cover this area in the information addressed to police authorities and others which was mentioned above.

c) Requests for information

- **The grounds on which the police or a public prosecutor could withold their consent to a meeting in private between a private defence counsel and his client. Are there circumstances under which a public defence counsel could be denied a meeting with his client in private? (Paragraph 27)**

The right of defence counsel in such cases is regulated in Chapter 21, Section 9 of the Code of Judicial Procedure. In the main the following applies. Public defence counsel have an unconditional right to speak in private with a person in remand or detention. However, in accordance with a statement made by the Parliamentary Ombudsmen, this right does not mean an unconditional right for a defence counsel to immediately confer with his client in private whenever he so wishes. Where defence cousel request the right to confer with a client immediately prior to or in the course of questioning, the circumstances in the specific case must determine whether such a conversation is to be permitted or not. Since it is desirable for a suspected person to have an opportunity to consult with his defence counsel in private, special reasons are required, however, if such permission is not to be granted (JO 1960, p. 70).

On the other hand, private defence counsel may only meet a client in private if the person responsible for the preliminary investigation, the prosecutor or the court so allow. The court shall give its permission regarding whether a meeting may take place without negative effects on the investigation or for order and security in the place of detention. However, neither the law, nor the preambulatory text nor practice provides any indication of the grounds under which a prosecutor/person responsible for preliminary investigation can refuse to give his permission. In cases where a member of the police force who is responsible for such a preliminary investigation - such cases are extremely rare as far as the National Police Board can judge - is faced with this problem, he is presumably under an obligation to request instructions from the prosecutor or to urge the prosecutor to take over responsibility for the preliminary investigation.

- Information on the rules governing the system of witnesses, on the experience to date of its operation in practice and on any developments foreseen in this area (Paragraph 35)

The legal regulations relating to interrogation witnesses are contained in Chapter 23, Section 10 of the Code of Judicial Procedure and Section 7 of the Preliminary Investigation Decree. The main points are as follows. If possible, a witness who is considered reliable by the person responsible for the investigation shall be present at questioning held in the course of the preliminary investigation. If the person responsible for the preliminary investigation is the prosecutor, he may request the person responsible for police questioning to employ a witness. A person employed as a witness should primarily be a person as indicated in the Act on Civic Witnesses (1981:324), if such a civic witness is available.

(This Act permits a local authority to appoint trustworthy persons to follow the work of the police in the police district to which the local authority belongs as civic witnesses.) If a woman is questioned, a female interrogation witness should be employed, if the person who is to be questioned so requests, and if this is appropriate and possible. If a civic witness is not available, an official of the police or prosecution service should be employed as an interrogation witness if this is appropriate in other respects. If the person who is to be questioned requests that questioning shall take place without a special interrogation witness, this request must be granted if it does not have a negative effect on the investigation. If an interrogation witness cannot be obtained, questioning may nonetheless take place if postponement would result in substantial drawbacks.

However, in practice the institution of interrogation witnesses has not been applied to the extent which was apparently intended. Civic witnesses only exist in a limited number of local authority areas in Sweden. Where there is no civic witness, interrogation witnesses are selected amongst police employees, in particular. However, for reasons of both cost and efficiency it is not possible to allocate personnel for such tasks to any great extent. One result is that most questioning is conducted without an interrogation witness and the exception rule is applied. However, it should be emphasized that the police regularly employ interrogation witnesses in sensitive cases. In addition, special rules which permit a selected member of the police board to attend questioning apply for preliminary investigations involving officials within the police service who are charged with crimes connected with their duties.

As indicated, the system of interrogation witnesses primarily depends on access to civic witnesses. As a result, the further development of the system assumes arrangements to ensure access to such witnesses. However, in the current economic situation faced by local authorities, it would not be realistic to assume an extension of the system. In addition, in this context it should also be noted that, in its report, the KRIPUT group appointed by the National Police Board has questioned whether interrogation witnesses perform any real function at any rate as regards checks and controls on the contents of questioning (Report, p. 98 et seq.).

C. PRISONS

1. Stockholm Remand Prison (and the remand centre at Kumla Prison)

a) Recommendations

- Steps to be taken without delay to improve ventilation in the cellular accommodation at Stockholm Remand Prison (Paragraph 43).

The National Board of Public Building, which is responsible for the Stockholm Remand prison and other properties has investigated what measures need to be taken to improve ventilation, following the Committee's visit to Sweden. This investigation indicates that extensive and costly measures are required to correct the ventilation problem. The National Board of Public Building will request funds for such measures in its budget presentation to the Government for fiscal year 1993/1994.

- The cell window screening arrangements at Stockholm Remand Prison to be reviewed; preferably, prisoners to be able to cover and uncover the windows at will (Paragraph 44)

According to the National Prisons and Probation Administration, a technical solution is currently being studied to make it possible for prisoners themselves to adjust the venetian blinds.

- **Immediate steps to be taken to improve substantially the outside exercise facilities at Stockholm Remand Prison as well as at other establishments where facilities comparable to those at Stockholm exist (Paragraph 52)**

The Stockholm Remand Prison is being renovated in accordance with the plans which the Committee was informed of when it visited the Remand Prison. Amongst other things, some of the present small exercise yards will be reconstructed to make it possible for prisoners to have social contacts with each other when outdoors. These exercise facilities will be provided with devices to protect prisoners from observation so as to preserve the integrity of the prisoners. However, it will be possible for prisoners to look out, which is not the case today. The Remand Prison will also be provided with meeting premises for prisoners and they will have their own kitchen facilities.

The Härnösand Remand Prison is being rebuilt, since it also offers inadequate facilities. When rebuilding is complete - the completion date is estimated to be February 1993 - the remand prison will have meeting premises and more effective ventilation equipment.

The Norrköping Remand Prison also has inadequate premises. In June this year, the Government decided that these premises should be rebuilt and extended. This decision means that new exercise facilities, meeting premises and gymnasium premises are to be constructed. For example, an exercise yard of approximately 125 square metres will be constructed for walking exercise in company with other prisoners.

The situation is similar in the remand prisons at the Malmö and Kumla Prisons. The remand facilities at the Malmö Prison will be closed when a new remand centre in Malmö is opened in the autumn of 1993. The remand facilities at the Kumla Prison will be closed when the new

remand centre at Örebro has been completed (see comments on Paragraph 46).

In addition, the National Prisons and Probation Administration, in consultation with the National Board of Public Building is planning for the reconstruction and extension of the remand prisons in Umeå, Östersund and Jönköping. The National Prisons and Probation Administration and the National Board of Public Building will request funds for the reconstruction and extension projects in their budget presentation to the Government for fiscal years 1993/94 - 1995/96.

- Urgent measures to be taken to radically improve regime activities at the Stockholm Remand Prison and the remand centre at Kumla Prison, and, if necessary, at other remand establishments. The regimes to be implemented to aim at ensuring that prisoners spend a reasonable part of the day (i.e. 8 hours or more) outside their cells, engaged in purposeful activity of a varied nature such as group association activities, education, sport, work with vocational value (Paragraph 62)

Since 1976, when Act 1976:371 was introduced, endeavours have been made to extend the opportunities for social contacts between prisoners in the remand prison. Facilities of this kind in the form of dayrooms and large workrooms have only existed to date in remand prisons built over the last fifteen years. However, in the older remand prisons small premises are available which are used for physical training, and at other remand prisons there are doors between certain cells which makes it possible for prisoners to sit together in pairs to some extent.

Thus, activities in remand prisons depend to a considerable extent on the premises. This means that new remand prisons with special facilities for work, study and social activities are most easily able to adapt their activities to the prisoners' requirements.

There is cooperation between the National Prisons and Probation Administration and the National Board of Public Building, where the aim is, for example, to adapt remand prison premises in line with the Act (1976:371). As already indicated, extensive rebuilding and extension measures are being taken or planned (see comments on Paragraph 52) within the Remand Centre Organization with the object of improving the prisoner's opportunities for social contacts and contacts with the outside world.

However, various factors imply that time spent in meeting facilities etc. must be limited. The size of these premises sets certain limits and means that persons in remand must be divided into groups which have a limited amount of time in the joint facilities. Another factor may be access to personnel to supervise that order is maintained, etc. According to the National Prisons and Probation Administration, time spent outside living accommodation must generally be limited to four hours per day in order that as many prisoners as possible should have access to joint facilities and be able to spend time outside their living accommodation.

The intention is that new remand prisons shall be designed so that prisoners not subject to the prosecutor's restrictions have an opportunity to have social contacts with each other outside their living accommodation throughout the day.

- **As regards restrictions on remand prisoners' contacts with other persons: the imposition of restrictions on a remand prisoner's contacts with other persons and the prolongation of such a measure to be resorted to only in exceptional circumstances and to be strictly limited to the actual requirements of the case; a decision to impose**

restrictions to be reviewed at regular intervals and to be subject to appeal to an independent body; the reasons for decisions to impose or renew the application of restrictions to be set out in writing and, unless the requirements of the investigation dictate otherwise, the prisoner to be informed of those reasons; whenever a prisoner subject to restrictions on contacts with other persons, or a prison officer on the prisoner's behalf, requests a medical doctor, such a doctor to be called without delay with a view to carrying out a medical examination of the prisoner; the results of this examination, including an account of the prisoner's physical and mental condition as well as, if need be, of the foreseeable consequences of prolonged isolation, to be set out in a written statement to be forwarded to the competent authorities (Paragraph 68)

As previously indicated, the prisoner may not be subject to extensive limitations on his liberty more than is required for the purpose of remand or with regard to the requirements for order and security. A person in remand shall be treated so as to counteract the harmful effects of deprivation of liberty. This also applies, for example, to a person who has been arrested and detained on the grounds of suspicion of crime.

The authority responsible for detention premises decides on questions involving the treatment of prisoners, for example contacts with relatives, social contacts with other prisoners, etc. However, the decision rights of these authorities may be limited by the instructions which a doctor may issue and by decisions which may be notified by the prosecutor.

As regards the deprivation of liberty of persons who are suspected of crime, the prosecutor has the possibility to decide on restrictions. The prosecutor's examination includes contacts with other prisoners, the writing and

receipt of letters, the receipt or transmission of other messages, visits, telephone conversations, presence outside the detention premises, contacts with another prisoner in certain cases and access to newspapers, periodicals, radio and TV. In cases where the person in remand is refused permission to take certain action or where restrictions on his rights are imposed, the prosecutor is obliged to reconsider his decision as often as this is called for.

Thus, the division of responsibility means that the prosecutor shall decide on whether a certain measure may be permitted for investigatory reasons. In view of this limitation, in principle the supervisor for the remand prison is to decide in other respects. An appeal may not be made to the courts against the prosecutor's decision regarding restrictions. However, a person in remand may turn to a senior prosecutor who may examine and change the decision on restrictions within the framework for his supervisory function. If the supervisor of the remand prison has decided on restrictions for reasons of order or security, the person remanded may first appeal against this decision to the National Prisons and Probation Administration and subsequently to the Administrative Court of Appeal, and possibly further to the Supreme Administrative Court.

The prisoner receives an explanation of what such restrictions mean and the general reasons for such restrictions via the remand prison personnel. The prisoner does not receive a copy of a written decision by the prosecutor. On the other hand, the prosecutor is personally responsible for documenting his decision regarding restrictions. A person who is detained or remanded and who needs to contact a doctor receives such contact as soon as possible. If the doctor notes that the mental health of the prisoner is at risk in the case of continued isolation, this is reported to the management of

the remand prison who will then raise the question with the prosecutor to investigate whether the prisoner can be allowed some relaxation in this respect. The doctor documents his observations in the prisoner's journal. Problems can often be ameliorated by permitting visits by a relative. Such visits are conducted under supervision, unless the prosecutor allows otherwise. Doctors make considerable efforts, despite restrictions, to permit relaxations in the period in custody by allowing prisoners access to individual physical training, the possibility to receive visitors, etc.

The previous Parliamentary Ombudsman, Anders Wigelius, who met the Committee when it visited Sweden, has been assigned by the Ministry of Justice to review conditions for remanded and detained persons, etc. The purpose of this review was to attempt to improve possibilities for prisoners to have contacts with other prisoners or otherwise to have contacts with the outside world.

In his report, Wigelius emphasizes that the Swedish rules for the treatment of persons in remand are on the whole well-balanced, in view of the various factors which apply in the detention period. According to Wigelius, premises for remand activities constitute the major obstacle in achieving greater contacts with other prisoners and with the outside world. However, he maintains that the proportion of persons in remand to whom restrictions apply is of decisive importance in determining what activities can be pursued in a remand prison. The greater this proportion is, the more time remand centre personnel must devote to opening and closing doors for toilet visits, etc. and to accompany remanded persons to the exercise yard and to police questioning, etc. This means that remanded persons to whom restrictions do not apply and also other prisoners in remand are isolated to a greater extent since personnel do not have time for common

activities for prisoners. If the proportion of remanded persons on whom restrictions are imposed can be reduced, personnel would be able to devote more time to participating in such activities.

With the system of notification of restrictions which applies today, there is - according to Wigelius - a certain risk of routine action in considering whether there is a risk of collusion, since the courts do not need to decide on restrictions. He therefore suggests that when the courts decide on remand they shall also decide whether the contacts of the remanded person with the outside world shall be subject to control by the prosecutor. Instead of, as at present, merely deciding whether there is a risk of collusion, the court shall thus also decide whether it may impose restrictions in the period of remand. Under this proposal, the person in remand should be able to appeal to the Court of Appeals against the decision of the County Court regarding control by the prosecutor. The prosecutor should also be able to appeal against a negative decision.

This proposal has been distributed to the authorities and other interested parties for comments and is currently being considered at central government level. In the main, comments are positive. More doubtful reactions to the proposal include:

In his written response, the Prosecutor-General has stated that, for his part, he does not consider any changes in decision functions to be justified in objective terms. However, he does not oppose the transfer of the right to decide on restrictions to the courts. His view is primarily based on the fact that a solution involving the courts harmonizes better with Sweden's international commitments and he also considers that it is an advantage from the prosecutor's point of view if an appeal can be made against a decision by the courts not to permit control by the prosecutor.

The Prosecutor-General also maintains that the circumstances in Sweden differ from those in other countries in important respects. The fact that Sweden has a relatively high number of persons in remand on whom restrictions are imposed, while in certain other countries there are relatively few, depends, at least in part, on the procedural rules which apply. In Sweden, the principals of oral testimony and immediacy apply. The court's decisions as regards the question of responsibility are to be primarily based on what has emerged at the main hearing. Information obtained in the preliminary investigation can only be cited by the prosecutor in exceptional circumstances. The possibility for a suspect to change his testimony and to influence others to change their testimony in a manner which may be significant for the outcome of the case is much greater in Sweden than in other countries. Therefore, in many cases the prosecutor cannot avoid imposing restrictions, at least until the main hearing in the case takes place. In other judicial systems, the situation is different. There are countries, for example, where the court decision is, in principle, based on the testimony the suspect has given in the preliminary investigation, and new or changed information which may emerge at the trial is ignored. It is only to be expected that, with a method of this kind, restrictions hardly need to be imposed on a suspect once he has testified.

The National Courts Administration, which is an authority dealing with administrative matters within the judicial system, raises the question of whether Wigelius' proposal actually involves any improvement in the fairness of the system. Under the present system, the courts already decide the prosecutor's possibilities of deciding on restrictions, as a result of the choice of the basis for remand. On the other hand, the National Courts Administration considers that there may be cause to clarify the links between the reason for remand, the risk of collusion and the prosecutor's possibilites of deciding on restrictions.

b) Comments

- **Cells in the closed section of Kumla Remand Centre are rather small, bearing in mind the length of time a prisoner might be held in the section and the fact that he would spend practically the whole day in his cell (Paragraph 46)**

On 27 May this year, the Government decided that a new administrative building, including remand facilities, is to be built in Örebro. The remand facilities at Kumla prison, which are of a temporary nature, will be closed when the new remand prison enters into service in the summer of 1994. Living accommodation in the new remand centre will be more spacious and will be equipped with toilet facilities. In addition, the remand prison will have premises and exercise facilitites for prisoners to meet and to participate in physical training.

- **Importance of prisoners having ready access to toilet facilities at all times (Paragraph 47)**

Only recently constructed remand facilities have toilets in the cells.

According to the National Prisons and Probation Administration, personnel in remand centres observe the need to allow a prisoner immediate access to toilet facilities when prisoners ring a bell. However, some waiting may occur at night even if prisoners do not normally ring particularly often at such times, since limited personnel resources mean that it is not possible to guarantee an immediate opening of doors to permit visits to the toilet facilities at night. The National Prisons and Probation Administration will review the routines for opening doors at night in remand facilities where cells do not have toilets.

- Complaints heard at the Stockholm Remand Prison about the quantity of food provided should be looked into by the competent authorities (Paragraph 49)

According to the National Prisons and Probation Administration, the provision of food at the Stockholm Remand Prison is not satisfactory at the moment. The remand prison does not have its own kitchen facilities and the food is supplied by a contractor who operates a staff restaurant in the building. In the opinion of the remand prison management, the quality and quantity of the food supplies are satisfactory.

As a result of the renovation of the Stockholm Remand Prison which is currently taking place, the prison will have its own kitchen by the autumn of 1992. This should contribute to an improvement in the provision of food.

- A series of factors were found at the Stockholm Remand Prison which when accumulated led to wholly unacceptable conditions of detention for many of the prisoners held in the establishment (Paragraph 70)

The Stockholm Remand Prison, which is Sweden's largest unit within the prison service, was opened in 1972. Over the years this remand prison has been subject to criticism similar to that presented in the Committee's report.

Many of the deficiencies indicated by the Committee will be corrected by renovation and recontruction measures which are currently being taken, or which are planned. Living accommodation, the possibility to spend time outdoors and facilities for contacts between prisoners will be improved.

c) Requests for information

- Statistics covering the last few years on the number of remand prisoners subject to restrictions on contacts with other persons and on the length of time during which this measure has been applied (Paragraph 69)

Statistics on decisions regarding restrictions are not recorded on a continuous basis. The information requested must therefore be restricted to the results of questionnaire surveys regarding application of prosecutor restrictions in recent years.

In 1991, the Prosecutor-General arranged a questionnaire regarding the extent to which restrictions have been issued for persons in remand. This questionnaire covers all prosecution authorities and, in principal, all persons remanded for crimes in November 1990. Thus, the questionnaire only covers persons committed to remand. This means that persons who have been arrested and released after questioning, who have been detained but for whom remand has not been requested, or who have been released at a remand hearing are not covered by the questionnaire. In total the Prosecutor-General's inquiry involves approximately 625 questionnaire responses.

Responses to this questionnaire indicate that approximately 70% of those in custody and who were later remanded were subject to restrictions in some form. After the remand hearing, which in more than 50% of the cases took place on the same day as the remand petition was made, or the day after, the proportion of those who were deprived of their liberty and who had restrictions imposed was 60%. Subsequently, the prosecutor's decision is based on the fact that the court has considered there to be a risk of collusion. After the main hearing, approximately 5% of those who were remanded were subject to restrictions.

According to the questionnaire, approximately 60% of those in remand were subject to restrictions which applied for up to 7 days, approximately 50% for up to 14 days, approximately 40% for up to 21 days and 20% for up to 30 days. Approximately 8% of those in remand had restrictions imposed for up to 2 months. There were only a few cases after 2 months where restrictions were applied (approx. 2%).

Another important question is whether restrictions were changed in some respect during the remand period. Changes of this nature almost exclusively involve some relaxation. Changes in restrictions were made in approximately 21% of the cases. In approximately 10% of the cases there were also general exceptions from the restrictions. Such exceptions primarily involved possibilities for contacts with relatives, etc.

In order to obtain a basis of comparison for these figures, the National Prisons and Probation Administration used a questionnaire at all remand prisons. The figures apply to the situation at remand prisons on a certain date in November 1991. The questionnaire results are presented in Anders Wigelius' report regarding conditions for persons in remand and detention, etc.

A total of 1018 persons were in remand. 543 of these (53%) were subject to restrictions, which broadly speaking, applied to contacts with other prisoners, visits, telephone conversations and letters. 103 persons in remand were subject to restrictions on newspapers, TV and radio.

In an evaluation conducted by the National Courts Administration in 1989 regarding the change in rules regarding detention and remand which entered into force in 1988, it is found that the basis for remand was the risk of collusion in 48% of the total number of remand cases covered by the survey (687).

- The conclusions of the recent review of public prosecutors' powers (Paragraph 69)

In his review, Wigelius notes that, on the basis of the questionnaires conducted by the Prosecutor-General and the National Prisons and Probation Administration, it is not possible to draw any definite, detailed conclusions as to how justified restrictions have been or whether there may have been variations in the level of restrictions imposed by different prosecutors or different prosecution districts. An extensive analysis of individual cases would be required to form an opinion as to whether restrictions are decided in cases where they are not required. In Wigelius' opinion, there is a certain risk of routine action in the system which applies today in considering whether there is a risk of collusion, since the courts do not need to decide on such restrictions. If the courts decide that the person remanded - apart from the reduction of his opportunities to manipulate the evidence which deprivement of liberty involves - is also to be subject to the prosecutor's control, the question of restrictions will be more clearly in focus at the remand hearing, according to Wigelius.

See also the presentation of the views of the Prosecutor-General and the National Courts Administration on the proposal regarding the system of restrictions imposed by prosecutors (Paragraph 68).

2. Kumla Prison

a) Recommendations

- Appropritate steps to be taken to improve night access to toilet facilities (Paragraph 74)

Conventional closed prisons do not have toilets in cells. The National Prisons and Probation Administration states that prisoners do not ring their bells particularly often at night, according to night warders' journals. The duties of personnel on the night shift mean that security aspects may conflict with a prisoner's desire to have access to toilet facilities.

However, waiting periods of up to one hour, as mentioned in the Committee's report, are exceptional according to the National Prisons and Probation Administration. Nonetheless, the Administration will review routines for opening doors at night in closed prisons in order to eliminate waiting periods as far as possible.

- A prisoner who is separated from other inmates on the basis of Section 20, Paragraph 1, of the Act on Correctional Treatment to be informed (preferably in writing) of the reasons for that measure, unless security requirements dictate otherwise; given an opportunity to present his views on the matter; and kept informed of the outcome of reviews of his situation (Paragraph 80)

A decision to keep an inmate separated from other persons who are detained is taken by the prison governor and the inmate is then notified. This decision is in writing and is preceded by questioning of the inmate. In addition, the inmate is given the opportunity to give his views in writing before the decision is taken. Under Section 20, Paragraph 3 of the Act (1974:203), a decision on separation is reviewed as often as justified, and at least each tenth day.

It is possible to improve opportunities for inmates to receive information concerning the progress in their case in the periods they are kept separated from other inmates,

and to have better opportunities to make their views known. According to the National Prisons and Probation Administration, in the future inmates will be given an opportunity to make their views known orally and/or in writing to a representative of the prison management, prior to a review of a decision regarding separation. In the case of written decisions regarding placement, the justification for a decision is to be fuller and more detailed, and the form which the prison prepares for review decisions will provide better information.

- **The mental health of inmates held voluntarily in the establishment's isolation unit to be very closely monitored, and the existing very limited possibilities for association between inmates who are voluntarily isolated to be developed (Paragraph 81)**

Under Section 18 of Act (1974:203), at his own request an inmate may be allowed to work in isolation if an appropriate location can be provided and unless there are special reasons arguing against this. Permission for this is to be reviewed as often as is justified and at least once per month. Under the same provision, a doctor is to examine an inmate working in isolation if this is required in view of the inmate's condition. If the inmate has worked in isolation for a consecutive period of one month, an examination of this type must always take place.

In order to avoid harmful effects of separation as far as possible, the National Prisons and Probation Administration endeavours to a considerable extent to offer inmates who for various reasons wish to withdraw from the prison collective separation within the prison community, which means that inmates live and work together in special sections of the prison. The experience of such arrangements is excellent.

- All newly arrived prisoners to be provided with written information about the establishment's regime, complaints procedures, etc. This information to be available in appropriate foreign languages in addition to Swedish (Paragraph 83)

Under Section 5 of the Ordinance (1974:248) on Custody in Prison, an inmate shall be informed orally or in writing of the meaning of imprisonment as soon as possible after entering the prison.

According to the National Prisons and Probation Administration, written information of the type required by the Committee is in process of preparation. It is anticipated that this information will be completed in September this year. This information will also be available in translated form.

- The group system as currently applied to prisoners in the establishment's special wing to be reviewed, taking into account the remarks made in Paragraphs 88 and 89 (Paragraphs 90)

- Attempts to be made to provide prisoners in the special wing with more stimulating work (Paragraph 92)

- Prisoners in the special wing to be offered from time to time some form of organised recreational activity during their free time or outdoor exercise period (Paragraph 93)

- The large sitting area close to the entrance of the special wing to be better exploited in the interests of the prisoners (Paragraph 94)

Under Section 3, paragraph 3 of the Act (1974:203), the Government or the authority determined by the Government ordains which closed sections of the prison are to be special sections. At present there are three such sections able to accommodate a total of 25 inmates at three closed prisons.

The special section at Kumla Prison has been closed due to renovation. When it was reopened in June this year, new arrangements for the section were introduced. The group system has been replaced by a system which means that the inmates themselves are allowed to have an influence on whom they are to spend their time together with in the daytime and also on the choice of job and leisure activities. The premises now have a more appropriate design and the range of activities has been extended and become more differentiated.

The group system described by the Committee has only been practised at Kumla Prison.

In addition, it may be mentioned that in April this year the Government appointed a parliamentary committee to review correctional treatment in institutions - the Prisons Committee. In accordance with the Government's directive this Committee shall, amongst other things, objectively examine the advantages and disadvantages of special sections and should consider whether such a system is appropriate or if there are other solutions which may satisfy the public need for protection better as regards this category of prisoners.

- As regards placement in a special wing: a prisoner placed in such a wing or whose placement is renewed to be informed in writing of the reasons for that measure, unless significant security requirements dictate

otherwise; a prisoner in respect of whom such a measure is envisaged to be given an opportunity to express his views on the matter; the placement of a prisoner in a special wing to be fully reviewed at least every three months (Paragraph 98)

Prisoners in a special section of the prison are informed in writing of the reasons for their placement. These reasons are also discussed when representatives of the National Prisons and Probation Administration visit the section in question. In addition the prison management informs the inmate in connection with personnel case meetings which are held at least once a month. In this context, the inmate has the right to make his views on placement known orally. The inmate also has the opportunity to obtain further information, either in writing or by telephone from National Prisons and Probation Administration officials. Under Section 20 a of the Act (1974:203), a decision regarding placement in a special section is to be reviewed as often as justified, and at least once per month. An appeal against a decision may be lodged with the Administrative Court of Appeal.

b) Comments

- The establishment did not appear to have enough language specialists to cope satisfactorily with the needs of the sizeable foreign inmate population (Paragraph 77)

All personnel employed by the National Prisons and Probation Administration must now have a knowledge of English and should therefore be capable of communicating with a high proportion of foreign inmates in prison. However, the Kumla Prison has such a large number of different nationalities amongst its inmates that it is difficult for personnel to communicate with all of them. Interpreters must therefore be utilized to some extent.

The prison has funds for this purpose. In fiscal year 1990/91, interpreters were employed for a total of approximately 120 hours. In addition, foreign inmates were given the opportunity to participate in language training in Swedish. For obvious reasons, there are inevitably problems in dealing with people who represent so many different cultures and who speak so many different languages in a closed collective, for example inmates in prison. Voluntary groups of visitors and the activities of the Red Cross, the Swedish Church and other religious faiths in prisons and remand prisons are important assets of prison operations in this respect.

c) Requests for information

- **The education courses available in the establishment and the number of inmates who can have access to them (Paragraph 76)**

Inmates at the Kumla Prison have the opportunity to receive basic theoretical education corresponding to grades 1 to 9 of compulsory schooling. There is also some access to senior secondary school education. There are approximately 35 places in such educational programmes. In addition, occupationally-oriented training in engineering workshop practice is also arranged (seven places). There is also training in Swedish for immigrants at the prison (six places). In addition, there are opportunities for private studies at different levels (approximately ten places). Finally, there are courses in the "activity of daily living" at the prison.

Many of those who are sent to prison have inadequate education. Opportunities to readjust to society are improved by giving inmates access to theoretical or occupationally-oriented training and education. The

Committee responsible for reviewing correctional treatment in prisons, which has been previously mentioned, has been directed to take note of the experience of education and training programmes currently in operation in prisons and to consider whether there is reason to extend or change such activities.

- The arrangements at the establishment concerning access to telephones, in particular any special rules for foreign prisoners or other inmates who do not receive visits regularly (Paragraph 78)

Prisoners with normal placement and inmates who are in solitary confinement may speak to approved persons by pay telephone. For obvious practical reasons, pay telephones which measure the length of the conversation are used for foreign calls. The participation of prison personnel is not required for such telephone conversations, apart from making the connection, and therefore inmates may telephone as often as they wish.

In general, telephone conversations from prisoners in special wings are monitored by personnel. The participation of personnel is required throughout the conversation and therefore inmates can only be allowed one conversation per week at present. The National Prisons and Probation Administration is studying the prerequisites for an increase in the number of telephone conversations.

Inmates themselves pay for their telephone conversations from premium payments received for work. Exceptions from this rule can be made if there are special reasons, for example if a relative is seriously ill or if a long distance call is involved. No charges are made for telephone conversations relating to the inmate's situation after release, for example telephone calls to employment offices and social services.

These rules apply both to Swedish and foreign prisoners.

- **Any special arrangements for visitors who must travel long distances to see a prisoner (Paragraph 78)**

After a needs test, a prisoner may receive a grant to defray the costs of a visit by a relative to the prison. Foreign visitors faced with long journeys are given priority in this context. As an example, it may be mentioned that a relative may receive a ticket requisition for the journey from the Swedish border.

Relatives of a foreign prisoner may be allowed visits of up to five consecutive days. In such cases, visits are allowed for six hours per day. The visitor is given accommodation at the RIA facilities at Kumla where they can stay at cost price. It may be mentioned that the RIA facilities had 300 guest-nights booked in 1991 for relatives of prisoners.

- **The education courses offered to prisoners in the establishment's special wing and the teaching arrangements made for this purpose (Paragraph 93).**

According to the National Prisons and Probation Administration, private study is most common in the special wing. Study materials are received from the Government School for Adult Education (SSV) in Norrköping. The prison defrays the costs and also provides assistance with regard to teachers and counsellors if requested by the prisoner.

- **The reasons for the rule that prisoners in the special wing are not allowed to have visits (whether supervised or not) from children under the age of 15 (Paragraph 96)**

The security requirements in the special wings are extremely high. The necessary control measures are taken in connection with visits. In the case of unsupervised visits, for security reasons conditions for the visit may involve the visitors' subjection to body search or superficial physical examination or a search of handbags or other bags, etc. which the visitor choses to carry. This procedure is conducted with support of Section 29, paragraph 5 in the Act (1974:203). The National Prisons and Probation Administration's regulations and general advice for activities in the special wings (KVVFS 1991:1) state that visits to prisoners in the special wing are only permitted for wives, cohabitants, longstanding fiancées, the prisoner's own children, siblings and parents, unless there are special reasons for deciding otherwise. Where children under 15 years of age are present, visits should be under supervision to avoid body search. According to the National Prisons and Probation Administration, the reason is a desire to avoid the use of children as accomplices to attempted smuggling.

- The avenues open to a prisoner to challenge a decision to place him in a special wing or to renew his placement (Paragraph 98)

The National Prisons and Probation Administration decides as regards placement in a special wing. An appeal may be made against such a decision to an Administrative Court of Appeal. By law, a decision on placement in a special wing must be reviewed as often as justified, for example as a result of a request from the prisoner, and at least once per month. Appeal may also be made against the reviewed decision. A decision regarding placement in a special wing can also be referred to the Parliamentary Ombudsman and the Chancellor of Justice for their examination.

3. Hinseberg Prison

a) Recommendations

- **Arrangements for visits and telephone contacts to be reviewed in order to ensure that contacts with the outside world, and in particular with families, partners and close friends, are not being inequitably restricted in the case of certain prisoners (Paragraph 110)**

The prison authorities consider it to be beneficial that prisoners at Hinseberg maintain contact with persons, both of Swedish and foreign origin, to whom they are closely related and therefore both visits and telephone calls are encouraged. In the case of visitors travelling long distance and foreign visitors, the prison can make accommodation available in a house outside the prison area where visitors may live for up to one week and may visit the prisoner on a daily basis. Grants may be made to cover travel costs with the object of facilitating visits.

Telephone conversations with persons approved in advance may be made from pay telephones, apart from overseas calls where the prison's own telephones must be used. This requires participation of personnel, which means that prisoners cannot make calls as frequently as in the case of a pay telephone. However, the purpose is to meet the wishes of prisoners as far as possible. This may be difficult after the prison exchange closes, however, since there is only one warder on duty for each wing. The possibilities of making arrangements which require less personnel participation are to be investigated.

- **The quantity of food provided to prisoners to be increased (Paragraph 111)**

According to the National Prisons and Probation Administration the quantity of food has been increased since the Committee's visit last year.

b) Comments

- **Complaints heard in the Dalgarden Unit about mouldy mattresses were not entirely without foundation (Paragraph 102)**

According to the National Prisons and Probation Administration, the problem of mattresses has been dealt with.

- **A blanket refusal to allow visits from persons with a criminal record or who cannot be made the subject of prior vetting as they live outside Sweden would not be acceptable (Paragraph 108)**

Under Section 29 of the Act (1974:203), prisoners may receive visits to an appropriate extent. Prisoners may not receive visits which are intended to set security in the prison at risk or which may hinder adjustment to society or otherwise be harmful to prisoners or other persons.

In order to provide a basis for assessment of whether a prisoner in a closed prison is to receive a visit in a particular case, an advance investigation must be made as to whether the visitor has been sentenced or is suspected of serious criminal activity. To the extent required and appropriate, information shall also be obtained regarding the visitor's personal circumstances in other respects.

Prison personnel are to be present when visits take place, if required in view of security considerations.

According to the National Prisons and Probation Administration, a general prohibition does not apply as regards certain categories of prison visitors. Individual checking of visitors is undertaken to see if there are security reasons for denying a visit. Such checking may also apply to foreign visitors if the visit is notified in time. If it has not been possible to investigate a visitor who is considered to be of importance for the prisoner the visit may take place under supervision. Unsupervised visits may also be allowed if the prison administration consider that it is obvious that supervision for security reasons is not required.

4. Medical questions

Under the Health and Medical Services Act (1982:763), the objective for health and medical care is good health on equal terms for the entire population. It is the responsibility of the principal authority responsible for health care to offer good health and medical services for those living within the county area. In addition, the health care authority is to plan, organize and dimension health and medical services within its area in the best and most effective manner so as to achieve the objective for health and medical services.

In the Custody in Prison Act (1974:203) the following is prescribed: "If the requisite examination and treatment of prisoners cannot take place in an appropriate manner in the detention facility, public health care services should be employed. If necessary, the prisoner may be transferred to a public hospital."

Thus, public health and medical services are also responsible for persons held in custody by the prison service. However, the National Prisons and Probation Administration is responsible for the availability of health and medical care personnel to a sufficient extent

in prison facilities and remand prisons to ensure that examinations and health care which do not require hospitalization may be provided in an adequate manner.

For the most part, deficiencies in the opportunities for persons in the custody of the prison service to receive psychiatric care etc. have been noted. In November 1990, a parliamentary committee was assigned by the Government to study questions involving services, medical care and support for mentally disturbed persons. This assignment also includes improvement of the psychiatric care given to persons in the custody of the prison service. The committee is to submit its final report in September 1992.

The report will subsequently be distributed for comments and should provide the basis for a parliamentary bill in the current mandate period.

a) Recommendations

- **The vacant full-time post of psychologist at Hinseberg Prison to be filled without delay and the necessary steps taken to ensure the more regular attendance of a psychiatrist at the establishment (Paragraph 118)**

The prison is to have access to psychological expertise to a greater extent, to permit inmate to have access to such facilities. The health-care situation has been improved since the Committee visited Hinseberg. A psychiatrist, a gynaecologist or a general practitioner visit the prison each week.

- **Steps to be taken without delay to improve substantially the psychiatric and psychological services available to inmates at Kumla Prison (Paragraph 120)**

Kumla has access to a full-time psychologist who currently receives increased psychiatric assistance. Two consultants visit the prison for 65 days per year. According to the National Prisons and Probation Administration, the amount of time for the general practitioner to visit the prison is to be extended from 20 to 24 hours per month to 32 hours per month.

In addition, the directives for the Prisons Committee mentioned previously include taking notes of the treatment of prison inmates who are mentally disturbed. Amongst other things, the Committee is to analyze and report on the consequences of the newly amended legislation regarding compulsory psychiatric treatment and is to propose any changes which may be justified.

- **Someone competent to provide first aid to always be present on prison premises, preferably a person with a recognised nursing qualification (Paragraph 122)**

All personnel responsible for the care of prisoners at prisons and remand prisons are responsible for ensuring that inmates suffering from acute illness or accidents immediately receive appropriate care. In their basic training, personnel have been informed about how first aid is given. According to the National Prisons and Probation Administration, prison and remand prison personnel are normally extremely aware of the health status of inmates, particularly as regards new arrivals. Persons taken into remand or prison are questioned extensively regarding their health status, possible diseases and/or medication when registration takes place. If disease is suspected or if medication is required, this is immediately reported to doctors, nurses or other health-care personnel. In the case of illness, the management for the remand prison or prison are informed. Although most new inmates cannot be

given a general medical examination on arrival, there is a possibility for such examination in the days immediately after arrival.

On weekdays (Monday to Friday), all remand prisons and prisons have access to a qualified nurse. There is a possibility to consult a doctor 24 hours a day if acute illness is suspected. The National Prisons and Probation Administration considers that a risk of an inmate not receiving the medical care required is extremely small.

However, according to the National Prisons and Probation Administration, the possibilities of introducing arrangements which would permit medical examination in more immediate connection with reception are being studied in more detail.

- All necessary steps to be taken to ensure that prisoners held in isolation (for whatever reason) have access to medical attention under the conditions indicated in Paragraph 124 (Paragraph 124)

According to the National Prisons and Probation Administration, the recommendation in the Committee's report have already been adopted.

Prior to notification of a decision on separation and the review of a decision of this nature, an investigation shall take place in accordance with Section 22 of Act (1974:203) regarding the circumstances which affect a decision in such a matter. A person who is kept separated because he is a danger to his own security and safety with regard to his life or health is to be examined by a doctor as soon as possible. Other prisoners who are kept separate are to be examined by a doctor, if required in view of the inmate's condition. If an inmate has been kept separate for a consecutive period of one month, an examination of this nature shall always take place.

The doctor's conclusions are entered into a medical journal. The prison governor has regular contact with the doctor regarding the physical and mental health of prisoners in solitary confinement.

b) Comments

- Save for in exceptional circumstances, the examination of newly admitted prisoners by a medical doctor should be carried out on the day of admission, especially insofar as remand establishments are concerned (Paragraph 115)

See comments on Paragraph 122 under 4. a).

- Consideration might usefully be given to reinforcing the medical service at Hinseberg Prison, in particular by providing more gynaecological care (Paragraph 118)

See comments on Paragraph 118 under 4. a).

- Serious consideration should be given to providing for a more frequent attendance by a general medical practitioner at Kumla Prison (Paragraph 120)

See comments on Paragraph 120 under 4. a).

c) Requests for information

- The comments of the Swedish authorities on the statement made in the induction unit at Kumla Prison that a prisoner would not be allowed to see a dentist unless he agreed to an HIV test (Paragraph 125)

According to the National Prisons and Probation Administration, there are no requirements for a mandatory HIV test prior to a visit to a dentist. If the prisoner has not voluntarily submitted to a test of this kind, protective measures are taken by the dentist as required, i.e. the approach is the same as if the person in question were HIV positive.

- Any instructions or guidelines that might have been drawn up by the central authorities concerning the approach to be adopted vis-à-vis HIV+ prisoners and prisoners who have developed AIDS (Paragraph 126)

The National Prisons and Probation Administration has prepared recommendations (ARK 1990:1) for the treatment of drug abusers, and those who suffer from HIV infection and AIDS within non-institutional care, prisons and remand prisons. These recommendations also indicate the responsibility of the prison service in relation to other principals.

According to the Administration, the following principles should apply in dealing with HIV/AIDS sufferers:

* The prison service should endeavour to ensure that appropriate external treatment alternatives are arranged and that cooperation with such units is established.

* Persons infected with HIV and suffering from AIDS are entitled to humanitarian care and must not be discriminated against.

* The treatment of HIV/AIDS sufferers should be characterized by long-standing, regular contact with a limited number of persons and be based on effective cooperation between various specialities/principals in the health care area (social services, the county, etc.).

* Good drug abuse treatment in liberty or in a drug-free prison and remand prison environment is the basis for the satisfactory treatment of drug abusers suffering from HIV infection.

* The need for treatment varies considerably between different individuals and different stages of the disease and therefore flexible treatment resources are required.

* The aim should be individually drawn up programmes based on the client's needs and wishes.

* Psycho-social treatment (including psychiatric care) in different forms is extremely important in all stages of the disease.

* Satisfactory somatic treatment is to be offered to persons infected by HIV or suffering from AIDS. The aim should be to minimize the period of treatment in hospital. Acute and specialized health care measures must be provided by the county, in hospitals with satisfactory supervision.

* Persons infected with HIV but without serious symptoms of illness should not be treated together with persons suffering from AIDS.

* Persons infected with HIV and suffering from AIDS who expose others to infection as a result of their behaviour should be reported to the doctor or infection protection doctor treating them.

In addition, it is also stated that there should be motivation and treatment departments for all prisoners who so require - both drug abusers and those infected by HIV.

Furthermore, according to the National Prisons and Probation Administration a special department which has national coverage for those suffering from ARC/AIDS has been established at Österåker Prison, where inmates can be offered satisfactory treatment and a positive environment. Such activities are conducted in close cooperation with the Huddinge hospital in Stockholm.

5. Other issues related to the CPT's mandate

a) Recommendations

- The Swedish authorities to explore the possibility of establishing a system under which each prison establishment would be visited on a regular basis by an independent body, which would possess powers to inspect the prison's premises and hear complaints from inmates about their treatment in the establishment (Paragraph 137)

The supervision of operations in local prisons conducted by the National Prisons and Probation Administration and the seven regional authorities is an extremely important factor in the Swedish system. The administration and the regional authorities are responsible for exercising supervision and in various ways exercising continued control to ensure that the routines and practice applied by local authorities comply with the rules for such activities. This supervision is one of the most important functions of the supervisory authorities. It should be emphasized that in the Swedish system these authorities are inter-dependent, in principle, as regards dealing with individual cases. It cannot therefore be considered that such operations constitute an integrated entity in which various units have the same responsibility. Each entity takes independent action under the law.

The supervision and examination of complaints from inmates in remand prisons and prisons conducted by the Office of the Chancellor of Justice and the Parliamentary Ombudsmen are also important in this context. In addition, the Supervisory Committee visits prisons within the committee's area of operations to inform itself of conditions in prisons. In this context, inmates are entitled to take the opportunity to speak to the Committee or a member of the Committee.

In his review of conditions for persons in remand and prison, etc., Anders Wigelius proposes that the prisons administration should consider the establishment of a special supervisory function to follow up the requirements laid down by legislation as regards the treatment of prisoners and persons in remand.

Wigelius also stresses the important function fulfilled by the Red Cross and church visiting services, and also by prison priests, in prisons. Even if such prison visiting is not primarily designed to establish insight into the operations of prisons and remand prisons, Wigelius considers that a major side-effect of such visits is that a large number of individuals with a non-professional involvement receive excellent insights into operations as a result of contact with prison personnel and inmates. Visitors can draw attention to deficiencies which they see in the course of their visits. Through their organizations, they may also pursue a continuous discussion regarding conditions in remand prisons and prisons, and this may result in a wider debate regarding rules for detention, etc.

b) Comments

- **The following safeguards should exist as regards the use of force:**

(use of force in general):

a prisoner against whom any means of force have been used should have the right to be immediately examined and, if necessary, treated by a medical doctor; the medical examination should be conducted out of the hearing, and preferably out of the sight, of non-medical staff; the results of the medical examination as well as relevant statements by the prisoner and the doctor's conclusions should be formally recorded and made available to the prisoner; a prisoner placed in a security cell should be kept under close supervision;

(use of instruments of physical restraint)

instruments of physical restraint should be resorted to only when all other methods of control fail or when justified on medical grounds; a prisoner to whom an instrument of restraint has been applied should be kept under constant and adequate custodial surveillance or medical supervision, as the case may be; instruments of restraint should be removed at the earliest possible opportunity; instruments of restraint should never be applied, or their application prolonged, as a punishment;

(records)

a central register should be kept in each establishment containing full information on every instance of the use of force against prisoners (Paragraph 130)

Under Section 23 of Act (1974:203), an inmate who exhibits violent behaviour may be temporarily kept apart from other inmates as long as necessary to curb such violent behaviour. If other means prove to be inadequate to control violent behaviour, the inmate may be incarcerated if this is unavoidably essential with regard to his security and safety as regards his life or health. A

person who is subject to such measures shall be examined by a doctor as soon as possible. A record shall be kept regarding the circumstances (Section 23, Act (1974:203)).

The inmate is placed in an observation room and kept under close observation. Medical examination is always conducted in a separate room. When examining the inmate, the doctor decides whether medical supervision of the inmate is required. The doctor's conclusions are then entered into a medical journal. Subsequently, the patient has the right to see his own journal.

There is no general requirement for the registration of the exercise of all coercive measures, but such registration does take place in certain prisons. The National Prisons and Probation Administration will investigate the question of the need to establish a register for incidents of the kind requested by the Committee.

c) Requests for information

- **Information on whether the safeguards in respect of the use of force referred to in Paragraph 130 exist in Sweden (Paragraph 130)**

See comments on Paragraph 130 under 5. b).

- **Information on the procedures and practice concerning the transfer of prisoners for reasons of discipline; and of related guarantees for the prisoners concerned (Paragraph 132)**

An inmate who is responsible for a breach of the rules or the published regulations when inside or outside the prison under supervision of prison staff may be subject to

disciplinary punishment under Section 47 of Act (1974:203) in the form of a warning or as a result of a decision that a certain specific time period shall not be included in his sentence. In examining questions of disciplinary punishment, note shall be taken of whether the offence may or can be considered to have other consequences for the prisoner. After such a misdemeanour, transfer to another and often more closed prison should be implemented in certain cases. However, according to the National Prisons and Probation Administration, transfer for such reasons is employed restrictively in view of the negative consequences for treatment programmes which have already been determined and preparations for release which have already been made. 1303 transfers of prisoners were implemented in fiscal year 1990/91 as a result of misdemeanours. A transfer decision is normally taken by the prison governor. An appeal can be made against this decision to the National Prisons and Probation Administration, against whose decision, in turn, an appeal may be made to the Administrative Court of Appeal.

The directives for the committee previously mentioned which is to review the prison service state that the committee is responsible for suggesting how the prison disciplinary system should be drawn up in the future.

- The comments of the Swedish authorities on allegations heard in both Kumla and Hinseberg Prisons that prisoners in a given unit were on occasion the subject of collective punishments when one of the unit's prisoners committed a disciplinary offence (Paragraph 133)

Legislation does not allow collective punishment in the Swedish prison system. Thus, only individual measures may be taken. The National Prisons and Probation

Administration states that transfers or other measures taken with regard to several inmates at the same time may, naturally enough, be regarded as collective punishments by those affected, even if the measures taken are for reasons of treatment or to maintain order and security within the prison. Sometimes, in a collective such as a prison limitations on privileges are required in order to investigate events which have occurred or to maintain order. All inmates will suffer, for example, if gymnasium facilities have to be temporarily closed following damage, in order to restore such premises so that they may be used again. A similar situation may occur when part of a leisure area is temporarily closed for security reasons since one or more inmates have made a hole in the fencing. Events of this kind are regarded by inmates as collective punishments.

- **The views of the Swedish authorities with regard to disciplinary procedures in remand prisons (Paragraph 134)**

According to the National Prisons and Probation Administration, there is no need to introduce a system of sanctions for behaviour contrary to discipline corresponding to that which occurs in the prison system. A person on remand may not be subject to more extensive limitations on his liberty than required for the purpose of remand, and to maintain order and security. According to the National Prisons and Probation Administration, the scope for behaviour contrary to discipline on the part of a person on remand is relatively limited in view of the fact that many measures require the agreement of the inmate if they are to be implemented. For example, a person on remand, in contrast with the inmate of a prison, has no work obligation. It is considered that there is little risk that the lack of a punishment system within the remand structure will lead to the development of an unofficial system of sanctions.

D. OTHER ESTABLISHEMENTS VISITED BY THE CPT'S DELEGATION

1. Beckomberga Hospital

a) Recommendations

- **The rights and privileges of a person subject to a compulsory isolation order under the Communicable Diseases Act to be clearly set out (Paragraph 143)**

Special powers regarding mandatory solitary confinement are described in Section 44 of the Protection against Infectious Diseases Act (1988:1472). The provisions in this section indicate how patients are to be treated when under care in accordance with this Act. The patient is to receive the support and help required and is to be encouraged to modify his attitudes so that compulsory solitary confinement will be no longer needed.

Solitary confinement is to be applied in a hospital and in accordance with the regulations which apply under the Health and Medical Services Act regarding satisfactory care and respect for the patient's personal integrity, with the necessary limitations and constraints which inevitably result from confinement in accordance with the Act (1988:1472).

Section 44 of the Act (1988:1472) prescribes that a person who is subject to solitary confinement may be prevented from leaving the hospital area or the section of the hospital where he is to be accommodated and must in other respects observe the limitations and constraints on

freedom of movement which are required to implement compulsory solitary confinement. Such limitations may also be applied, where required, with regard to the safety of others or of the person concerned.

As regards residence outside a hospital in the case of compulsory isolation, the person who is subject to compulsory isolation may be granted permission to reside for a specific period outside the hospital area. Certain conditions may be attached to such permission (Section 49 Act (1988:1472)).

Permission to reside outside the hospital area is granted by the doctor responsible for protection against infectious diseases, after consultation with the senior hospital doctor.

The doctor responsible for protective measures against infectious diseases may recall his permission if the circumstances so require (Section 50 of the Act (1988:1472)).

Under Swedish law the patient's right to maintain contacts with the outside world by means of visits, telephone conversations, letters, etc. does not need to be specifically stated. This is because such rights are embodied in the Constitution (Chapter 2, Section 1 et seq.). However, limitations and constraints on such rights, if any, must be stated in the law.

Compulsory isolation may continue for not more than three months (Section 40 of the Act (1988:1472)). However, the County Administrative Court has the right to decide on continued compulsory isolation for not more than six months on each occasion, following an application from the doctor responsible for protection against infectious diseases.

When the Act (1988:1472) was adopted, it was observed that a decision on compulsory isolation could, for example, be taken with regard to a drug abuser suffering from HIV. Detention, for this category was expected to be of some duration in certain specific cases. It was therefore considered necessary to continuously examine the need for compulsory isolation. It was emphasized that the authority with principal responsibility for hospital services must offer a person subject to compulsory isolation various types of assistance and support.

However, there may be reason to consider whether the right of patients to physical training, to spend time in the open air, work, etc. should be regulated by law, for example, in the case of a person confined in prison service facilities (Chapter 2, Section 11 et seq. in the Custody in Prison Act). Efforts will be made at central Government level in the near future to work in this direction.

b) Requests for information

- **A copy of the new legislation on compulsory psychiatric treatment and of any implementing regulations, as well as related information (paragraph 147)**

On 1 January, the Act on the Provision of Institutional Psychiatric Care in certain cases was replaced by two new acts: the Compulsory Psychiatric Treatment Act (1991:1128) and the Forensic Psychiatric Treatment Act (1991:1129). This new legislation means, for example, that the Public Administrative Courts, with the County Administrative Courts as courts of the first instance, will replace the current discharge boards and psychiatric boards in examining questions regarding compulsory psychiatric treatment. A decision by the courts is mandatory, amongst other things, when compulsory treatment is to be extended and when voluntary care becomes compulsory treatment.

2. Closed Unit, Carlslund Refugee Centre

a) Comments

- Efforts should be made to offer additional activities to persons staying in the unit for lengthy periods (Paragraph 150)

Chapter 5, Section 13 of the Aliens Ordinance (1989:547) states that legislation regarding the treatment of persons who are in remand or detained, etc. shall apply, where appropriate, as regards aliens who are kept in custody. In this case, the police authority in Stockholm is responsible, in addition, for granting such aliens the relaxation in the rules and the advantages which may be permitted in view of the need to maintain order and security in the premises in which they are detained. The statement of justification in connection with the Aliens Ordinance (the Government's Ordinance justification/1989:3, p. 42) indicates that special restrictions apart from detention itself shall not normally apply, but that the routines required for the detention premises shall naturally be taken into account. Legislation regarding the treatment of persons who are remanded or detained, etc. indicates, for example, that a person so detained shall, where possible, be offered work or other comparable employment and that he shall be given an opportunity to undertake work which he has obtained himself if this can take place without disruptive effects and, furthermore, that his need for recreation and entertainment - apart from newspapers, radio and TV - should be satisfied to a reasonable extent.

The National Police Board intends to take up with the police authority in Stockholm the question of additional activities for persons who are detained at Carlslund.

b) Requests for information

- **Information on the practical arrangements and safeguards which exist to ensure compliance with Chapter 8 of the Aliens Act of 1989, and on whether the notions of torture and/or persecution are interpreted in such a way as to cover inhuman or degrading treatment or punishment (Paragraph 152)**

The provisions concerning impediments to implementation mentioned by the Committee constitute the primary protection against erroneous implementation of refusal of entry or expulsion in this respect. However, the regulations cannot been seen in isolation from the rest of the Aliens Act. In point of fact, there are a number of other regulations which reinforce and guarantee such protection. In the following, an outlined description of regulations of this nature is provided.

Firstly, possible impediments to implementation shall be taken into account in connection with the examination of the question of removal (Chapter 4, Section 12, first paragraph of the Aliens Act). If, in the course of such an examination, it proves that it would not be possible to implement the removal decision, notification of such a decision should not be made, in acccordance with the preamble to the provision.

These provisions apply both in considering the question of asylum, where the Swedish Immigration Board is responsible in the first instance, and in criminal cases, in the public courts, when expulsion is considered as a special effect of the process of justice. Thus, in the latter context, the court must judge whether it will be possible to implement expulsion in connection with the release of the person sentenced. In forming a basis for its assessment, the court may obtain the comments of the

Immigration Board. If it can be assumed that there are impediments on future implementation, as a result of information provided by the alien himself or other circumstances, the court must obtain such comments before it decides on expulsion (Chapter 6, Section 8 of the Aliens Ordinance).

As regards questions of refusal of entry or expulsion which are considered by the Government, the Aliens Board or the Immigration Board, the decision shall provide instructions regarding implementation which may result from such examination (Chapter 4, Section 12, second paragraph of the Aliens Act). The provision is not concerned with a case where examination indicates that a decision for removal cannot be implemented, since the first paragraph already indicates that refusal of entry or extradition is not to take place. If, on the other hand, it can be assumed that the impediment to implementation is of a temporary nature, either a residence permit to which a time limit is applied may be notified, or it may be ordered that implementation of the refusal of entry or expulsion decision is to be postponed until further notice. According to the reasoning in the preamble, the decision shall also indicate whether examination has resulted in the conclusion that the alien can only be sent to a particular country or that implementation cannot take place to a particular country.

In certain limited circumstances, an alien has a possibility to get a removal decision which has the force of law rescinded by making a new application for a residence permit to the Immigration Board (Chapter 2, Section 5, third paragraph as compared with Chapter 7, Section 15, first paragraph of the Aliens act). Approval of a petition for such an application is conditional on the application being based on conditions which have not been subject to prior examination and that the circumstances either provide entitlement to asylum or involve exceptional reasons of a humanitarian nature which

indicate that the alien shall be allowed to remain in Sweden. One example of relevant new circumstances might be changed circumstances in the country to which implementation of refusal of entry or extradition is to be carried out.

This provision was introduced as a result of the 1989 Aliens Act and is designed to simplify the implementation procedure, while at the same time providing an opportunity for the examination of reasons which have not been previously considered in the case. It was assumed when this provision was established that, in view of the exceptional nature of the provision, the number of applications would be limited. However, the submission of new applications by aliens to the Immigration Board, following the entry into force of a decision to refuse entry, has proved to be the rule rather than the exception.

This development was neither anticipated nor intended when the provision was introduced. This provision is now subject to further consideration in connection with a review of certain aspects of aliens legislation. However, according to the directive, possible amendments may not be drawn up so that the objectives underlying the refugee status are set at nought (Dir. 1992:51, p. 6).

Measures to achieve the implementation of a refusal of entry or an expulsion decision which has gained the force of law do not cease when a new application is submitted to the Immigration Board. However, in this context the Board has the possibility of inhibiting implementation of a decision which has previously been notified (Chapter 8, Section 10, first paragraph of the Aliens Act). According to the preamble, implementation should not be cancelled unless it appears reasonably probable, in a total assessment, that the new application will be approved.

Under Chapter 7, Section 10 of the Aliens Act, the Immigration Board is obliged to change a decision, following re-examination, if the Board, in the light of new circumstances or for any other reason, finds that the decision is incorrect. A decision shall be changed if it is not to the disadvantage of the alien concerned, or would be irrelevant for him. This provision is currently subject to review (Dir. 1992:51).

As regards judgements which have gained force of law or decisions on expulsion resulting from criminal offences, the Government may rescind or modify such decisions in certain circumstances (Chapter 7, Section 16, first paragraph of the Aliens Act). This applies if it is not possible to implement the expulsion decision or if in other respects there are special reasons why the decision shall no longer apply. In this connection, a decision may be rescinded, for example, if expulsion cannot be implemented as a result of the provisions concerning impediments to implementation contained in Chapter 8, Sections 1 and 2 of the Aliens Act. In its examination, the Government may decide on inhibition of an expulsion decision which was previously notified (Chapter 8, Section 10, second paragraph of the Aliens Act).

Thus, the Swedish aliens legislation is drawn up so that any possible impediment to implementation shall be taken into account as far as possible in examining refusal of entry or expulsion cases. Nonetheless, impediments or difficulties may occur when implementation is to take place. In such a case, the provisions contained in Chapter 8, Section 13 of the Aliens Act are applicable. This Section has the following wording: "If the authority responsible for implementation considers that implementation cannot be carried out or that further information is required, the authority shall notify the Swedish Immigration Board. In a case of this nature, the

Immigration Board may decide regarding implementation or may take other measures which are required. If implementation concerns a judgement or a decision on expulsion due to a criminal offence, the Immigration Board shall promptly submit the matter to the Government for examination of whether implementation cannot be carried out."

As regards this provision, it should be particularly stressed that this is a problem which involves examination by the Immigration Board or the Government, even in the limited number of cases where the alien himself neither will nor can take action in the matter. In this connection inhibition of further implementation may be notified under the provisions contained in Chapter 8, Section 10 of the Aliens Act. It should be mentioned, in addition, that the Government has the possibility of rescinding an expulsion order, even if the alien concerned has not applied for such rescindment.

It should finally be indicated that the Swedish Immigration Board is responsible for immediate notification to the police authority charged with implementation of certain measures. Under Chapter 6, Section 6 of the Aliens Ordinance, this applies in cases where the Board has rescinded a decision concerning refusal of entry or expulsion or has notified inhibition of a decision of this nature.

If the system of regulations is to be applied correctly, it is obviously important that the authorities responsible have a good knowledge of the circumstances in various countries. It should be mentioned initially that asylum questions are always determined today by the Swedish Immigration Board in the first instance. Commencing 1 July 1992, investigatory responsibility in asylum questions will be transferred from the police force to the Immigration Board. This procedure will give the

Immigration Board total responsibility of the granting of permits and will also give the Board an excellent overall perspective regarding the problems which are associated with such activities.

An important protective mechanism in helping to avoid erroneous decisions regarding refusal of entry or expulsion in the context of the Committee's remarks will be that the authorities responsible for examination of such cases are to keep themselves well informed both as regards the circumstances in various foreign countries and the legislation of various states. In this connection, the information on which decisions will be based will include, for example, information from Swedish foreign missions and from various national and international voluntary organizations. News reports and statements made by various international bodies will also receive appropriate attention on a continuous basis.

In the spring of 1991, the Swedish Immigration Board started to prepare reports on established practices applied throughout the Board's permit-granting activities. These reports, which are examined at regular intervals, contain for example a "country section", listing decisions in individual country-related cases. This compilation is to be primarily used in day-to-day operations at the Immigration Board's various permit offices with the object, amongst other things, of providing guidelines for decision makers.

Furthermore, the authorities responsible for examination are organizationally structured so as to achieve the greatest possible competence on the part of officials regarding circumstances in various countries. At the Immigration Board, for example, officials are divided "by country". The fact that the same official works with applications from a particular part of the world on a