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

from 5 to 14 May 1991

The Swedish authorities have agreed to make this report public

Strasbourg, 12 March 1992

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Copy of the letter transmitting the CPT's report

Strasbourg, 21 February 1992

Dear Sir,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I have the honour to enclose herewith the report to the Swedish Government drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Sweden from 5 to 14 May 1991. The report was adopted by consensus by the CPT at its twelfth meeting, held from 3 to 7 February 1992.

In order to facilitate consideration of the report by the Swedish Government, it is accompanied by a preface explaining the CPT's mandate.

I would draw your attention in particular to paragraph 176 of the report, in which the CPT requests the Swedish authorities to provide an interim and a follow-up report on action taken upon its report. More generally, the CPT is keen to establish an ongoing dialogue with the Swedish authorities on matters of mutual interest, in the spirit of the principle of co-operation set out in Article 3 of the Convention; consequently, any other communication that the Swedish authorities might wish to make would also be most welcome.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely,

Antonio CASSESE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

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PREFACE

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims ex post facto).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Commission's and Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately harmful to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;

- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal ascertaining whether breaches of the European Convention on Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Commission and Court have substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of their functions, the Commission and the Court consist of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Commission and Court only intervene after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Commission and Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Sweden from 5 to 14 May 1991. The visit formed part of the CPT's programme of periodic visits for 1991. Sweden was drawn by lot.

2. The delegation consisted of the following members of the CPT:

- Mr Bent SØRENSEN, First Vice-President of the CPT (Head of delegation);
- Mr Tonio BORG;
- Mr Günther KAISER;
- Mr Rudolf MACHACEK.

The delegation was assisted by:

- Mr Rodney MORGAN, Professor of Criminal Justice at Bristol University (expert);
- Ms Randi ROSENQVIST, Senior psychiatrist at Gaustad Hospital, Oslo (expert);
- Mrs Annica ÖSTLUND (interpreter);
- Mrs Linda SCHENCK (interpreter).

The delegation was also accompanied by the following members of the CPT's Secretariat:

- Mr Trevor STEVENS, Secretary of the CPT;
- Mrs Geneviève MAYER.

B. Establishments visited by the delegation

3. The delegation visited the following places of detention:

County of Stockholm

- Stockholm Remand Prison (Kronoberg),
- Norrmalm District Police Station, Stockholm,
- Central Police Station, Stockholm¹,
- Central Police Station, Nacka¹,
- Arlanda Airport Police Station¹,
- Beckomberga Hospital, Bromma,
- Closed Unit, Carlslund Refugee Centre, Upplands Väsby.

County of Örebro

- Hinseberg Prison, Frövi,
- Kumla Prison,
- Örebro Police Station.

¹. Places not notified in advance of the visit to Sweden.

C. Consultations held by the delegation

4. In addition to its meetings with the persons in charge at the places of detention visited, the delegation held consultations with the national authorities as well as with various other persons. The delegation also paid a visit to the National Police Academy outside Stockholm.

A list of persons with whom the delegation held consultations is set out in Appendix II to this report.

D. Co-operation with the delegation

5. The talks which the CPT's delegation held with the national authorities both at the outset and at the end of the visit were conducted in a spirit of full co-operation.

Further, the delegation was received in a very satisfactory manner at the places of detention visited, including those which had not been notified in advance of the visit to Sweden. In this connection, the CPT welcomes the fact that the Swedish Ministry of Foreign Affairs sent a very complete fact sheet on the Committee to all institutions falling within the scope of its activities shortly before the visit to Sweden began, which supplemented information already provided at the time of Sweden's ratification of the Convention.

6. Particular reference should be made to the delegation's visit to Kumla Prison, which took place immediately after the escape of two prisoners from the establishment's special wing. Despite the considerable pressure and strain that the latter event - and the attendant nationwide media coverage - must have placed on the Prison Governor (Mr Arne Granell), the delegation received exemplary co-operation from him.

E. Legal framework

7. A summary of some of the legal provisions in Sweden that are relevant to the subject of the prevention of torture and inhuman or degrading treatment or punishment of persons deprived of their liberty is given in Appendix III.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Ill-treatment of persons deprived of their liberty: general remarks

8. 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.

9. The vast majority of prisoners with whom the delegation spoke stated that they had not been physically ill-treated either by the police or in prison. A few prisoners, mostly foreigners, alleged that they had been slapped and/or punched by police officers. Scarcely any allegations of physical ill-treatment in prisons were heard by the delegation; the only notable exceptions were two prisoners who claimed that they had been handled very roughly when being moved to security cells in remand prisons. However, many prisoners complained of the long periods of isolation to which they had been subjected while awaiting trial (see further, section II C.1. f) and g)).

Prisoners and prison staff seemed to get on reasonably well in each of the three prison establishments visited; however, the nature of the regime at Stockholm Remand Prison meant that there was minimal contact between prisoners and the staff.

10. Most of the persons in custody at the time of the delegation's visits to police stations were in a state of inebriation ruling out any possibility of sensible conversation. The few with whom the delegation did speak said that they had been treated well.

11. 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.

12. 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. Of course, in any country there will unfortunately be occasional examples of police or prison officers abusing their authority by ill-treating persons in their custody. **The CPT would like to receive information on the number of complaints in recent years of ill-treatment by police or prison officers and on the number of cases in which disciplinary and/or criminal proceedings were instituted, with particulars of any penalties imposed.**

13. **The CPT also wishes to stress the 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.**

B. Police stations

1. Custodial practice

14. By way of introduction to the section on police stations, it would be appropriate to briefly summarise custodial practice in Sweden at the level of the police.

15. The pre-trial custody of criminal suspects is divided into three stages: examination/apprehension (by the police), arrest (by a public prosecutor, who apparently normally decides on the basis of a telephone report from the police), and remand in custody (by a court). The court hearing concerning the issue of remand in custody must be held at the very latest four days after the person concerned was deprived of his liberty, and if the person is remanded in custody, he must be placed in prison. However, it should be emphasised that a detained person may well have ceased to be held on police premises long before the remand in custody hearing. The CPT's delegation was told at certain of the police stations it visited (e.g. the Norrmalm District Station in Stockholm) that detained persons were sent to a remand prison as soon as possible after they had been arrested by a public prosecutor. As the pre-arrest stage lasts in principle a maximum of six hours (though exceptionally it might be extended to twelve hours), this would mean that detained persons spend only a short time in the station; examination of the detention records of the stations in question bore this out. Subsequent interviews of the persons concerned by the police would normally take place on prison premises.

Nevertheless, some police stations held persons deprived of their liberty throughout the arrest stage. This was the situation, for example, at the Central Police Station in Nacka; one detainee interviewed by the delegation had been in custody at the station for more than two days.

16. Aside from criminal suspects, various other persons (e.g. inebriated or mentally ill persons) may be held temporarily for a few hours at police stations. Persons may also be detained at a police station under the Aliens Act. Their detention by the police might on occasion last some time (the detention register at Arlanda Airport Police Station showed that one person had recently been held at the station for 2½ days under the Aliens Act), but usually they would be transferred after a short interval to a remand prison or to a closed unit at a refugee centre.

2. Conditions of detention

a) physical conditions

17. Physical conditions of detention in the different police stations visited ranged from good to very good. All cells seen by the delegation were of an acceptable size for one person (6 to 7 square metres), and single occupancy was the normal situation. Further, the cells had adequate lighting, ventilation and rest/sleeping facilities, and were reasonably clean. All cells were fitted with a call bell. Clean toilet and washing facilities (including a shower) were close at hand, and the delegation heard no complaints about the possibility of access to such facilities in police stations. A few of the cells seen had their own toilet and/or washbasin.

18. However, the CPT must voice concern over six cubicles measuring each 1.65 m x 0.88 m (1.45 square metres) found in the Central Police Station in Stockholm. It should be explained that this station has no proper cells of its own. Instead, persons taken into custody (including those not yet arrested by a public prosecutor) are placed in the Stockholm Remand Prison, which is situated on the upper floors of the same building (see paragraph 40). Nevertheless, persons in custody may stay some time on the station's premises for the purposes of registration and questioning, and the delegation was informed that if such a person was not "quiet" he would be held in one of the above-mentioned cubicles. Discussions with prisoners in the Stockholm Remand Prison indicated that a detained person might be held in the cubicle for several hours.

In the CPT's opinion, a cubicle measuring 1.45 square metres is too small for even the shortest term detention. Moreover, to place an aggressive or disturbed person in such a confined space could easily exacerbate rather than improve his psychological state. The Central Police Station in Stockholm has at its disposal the perfectly adequate security cells in the remand prison for holding unruly or unsettled persons in custody. **The CPT recommends that the above-mentioned cubicles be either enlarged or dismantled.**

b) arrangements for meals

19. The delegation was informed at certain of the police stations visited (e.g. Norrmalm District and Örebro) that there were no arrangements for providing food to persons in custody. The shortness of the period during which someone was held in custody was advanced as an explanation. Nevertheless, it would seem possible on occasion for a prisoner to go without food for a considerable time. For example, one prisoner met by the delegation at Stockholm Remand Prison alleged that he had been held in a police station for six to seven hours without food, and then transferred to the prison after service of the evening meal; as a result, he had received no food until the following morning.

20. Section 12 of Chapter 23 (Preliminary Investigation) of the Code of Judicial Procedure stipulates inter alia that "the examined person may not be deprived of customary meals". **The CPT recommends the Swedish authorities to verify that this requirement is being fully complied with.**

3. Safeguards against the ill-treatment of detainees

- a) notification of custody and access to a lawyer

21. The rights of persons taken into police custody to have the fact of their custody notified to a third party of their choice and to have access to a lawyer are fundamental safeguards against ill-treatment. As regards the former, section 9 of Chapter 24 (Arrest and Remand in Custody) of the Code of Judicial Procedure provides that "the immediate relatives and anyone in especially close relationship with the arrested person shall be notified of the arrest as soon as this can be done without detriment to the investigation". As regards the latter, section 9 of Chapter 21 (The suspect and his defence) of the same Code stipulates that defence counsel for an arrested person or someone remanded in custody may not be denied access to him and that a public defence counsel² may speak in private with him; a counsel other than a public defence counsel may speak in private with his client only upon consent of the investigating authority or the prosecutor.

- *notification of custody*

22. The delegation's discussions with officials of the National Police Board and police officers at stations visited revealed that during the pre-arrest stage of custody, the general practice was not to notify the detained person's relatives or other third party of his situation. It was advanced in this connection that it could be prejudicial to the detainee for such a notification to be made.

It is indisputable that notification of a person's custody to a third party should never be made against his wishes, save exceptional situations (e.g. mentally ill detainees). On the other hand, a person detained by the police should have the right to have the fact of his custody notified to a third party of his choice, and this right should apply as from the outset of his custody (i.e. as soon as he is obliged to stay with the police) and not only when he is formally "arrested" by a public prosecutor.

23. Naturally, the exercise of the above-mentioned right could be made subject to exceptions designed to protect the course of justice. However, any such exceptions should be well-defined and their application strictly limited in time. On both these counts, the provisions of section 9 of Chapter 24 of the Code of Judicial Procedure could usefully be developed. At present, they would appear to give a broad discretionary power to hold someone for up to 96 hours (i.e. until the first remand hearing) without any notification of his examination/apprehension and arrest being given to his family or other persons with whom he has a close relationship.

24. **The CPT recommends:**

- **that persons in police custody should have the right as from the outset of their custody to have the fact that they have been detained notified to their next of kin or another third party of their choice;**

² As regards public defence counsel, see also Appendix III, paragraph 10.

- **that any possibility to delay the exercise of this right should be clearly circumscribed, accompanied by appropriate safeguards (e.g. such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior officer or public prosecutor) and made subject to an express time limit.**

- *access to a lawyer*

25. As already indicated, section 9 of Chapter 21 of the Code of Judicial Procedure provides a right of access to defence counsel for persons who have been arrested. However, as regards access to a lawyer during the pre-arrest stage of custody, the situation would appear to be less clear. Some officials and police officers spoken to said such access was possible, others that it was not.

The period immediately following a person's loss of liberty is the one during which the risk of intimidation and ill-treatment is the greatest. Consequently, the CPT attaches considerable importance to persons detained by the police having a right of access to a lawyer as from the outset of their period of custody (cf. also paragraph 22).

The CPT recommends that it be expressly provided that a person deprived of his liberty by the police has a right of access to a lawyer as from the very outset of his custody.

26. As a rule, an arrested person's defence counsel may attend interrogations. However, the delegation heard differing views as to what role -active or passive - the counsel could play on such occasions; in the opinion of police officers spoken to, it was the latter. **This is a matter that might usefully be clarified via instructions or guidelines.**

27. With reference to the distinction made between public and private defence counsel in section 9 of Chapter 21 of the Code of Judicial Procedure on the subject of meetings in private with a person in custody (see paragraph 21), **the CPT would like to be informed of the grounds on which the police or a public prosecutor could withhold their consent to a meeting in private between a private defence counsel and his client.**

Further, it would like to know whether there are any circumstances under which a public defence counsel could be denied a meeting with his client in private.

28. The CPT also wishes to take this opportunity to draw to the attention of the Swedish authorities that a large number of prisoners complained about the legal assistance they had received while arrested and on remand. In particular, many prisoners said that they had seen their defence lawyer for the first time only minutes before or even at the initial remand hearing, with the result that their interests had not been defended properly.

- *information as to rights*

29. Many prisoners spoken to said that the police had not informed them of their rights, in particular the right of access to a defence counsel. In order to ensure that persons in police custody are duly informed of their rights to have a third party notified of their situation and to have access to a lawyer, **the CPT recommends that a form setting out these rights be given systematically to such persons at the outset of their custody. This form should be available in different languages. Further, the detainee should be asked to sign a statement attesting that he has been informed of these rights (see also paragraph 37).**

b) medical examination of persons in police custody

30. Police officers told the delegation that if a detainee requested or otherwise appeared to be in need of medical assistance, either a local doctor (e.g. from a neighbourhood medical centre) would be called or the detainee would be taken to the nearest hospital. Apparently, there was no corps of police doctors responsible for the medical examination of detainees. It should be added that no complaints were heard by the delegation concerning access to medical assistance while in police custody.

31. **The CPT wishes to make the following recommendations:**

- **that someone in police custody should, if he so wishes, also be able to be examined by a doctor of his choice;**
- **that all medical examinations of persons in police custody be conducted out of the hearing, and preferably out of the sight, of police officers;**
- **that the results of all medical examinations as well as relevant statements by the detainee and the doctor's conclusions be formally recorded by the doctor and made available to the detainee.**

c) conduct of interrogations

32. The delegation was informed that it was standard practice for the police to conduct all interrogations in a given case, albeit under the authority of the public prosecutor as from the moment of arrest. Apparently, the direct involvement of the public prosecutor in the interrogation process tended to be limited to the most serious criminal cases.

33. As far as the delegation could ascertain, police officers had not received detailed instructions regarding the way in which interviews should be conducted and recorded.

In this connection, **the CPT recommends that the Swedish authorities draw up a code of conduct on police interviews addressing inter alia the following matters: the informing of 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 who are under the influence of drugs, alcohol etc. The code should also provide that a record be kept of the time at which interviews start and end, of any request made by the detainee during an interview, and of the persons present during each interview.**

34. The electronic recording of police interviews is inter alia a useful safeguard against ill-treatment of detainees. The CPT's delegation was informed by police officers that the tape recording of interviews was at their discretion.

The CPT recommends the Swedish authorities to explore the possibility of making the electronic recording of police interviews a standard practice. The system to be introduced should offer all appropriate guarantees (e.g. a two-tape system, one tape to be sealed in the presence of the detainee, the other used as a working copy).

35. The CPT has also noted that section 10 of Chapter 23 of the Code of Judicial Procedure provides that "to the extent possible, a reliable witness commissioned by the investigating authority shall be present at examinations". **The CPT would like to receive information on the rules governing this system of witnesses, on the experience to date of its operation in practice, and on any developments foreseen in this area.**

d) custody records

36. The delegation gained the impression that custody records were not being scrupulously completed, at least not insofar as the timing of detention was concerned. Inspection of a relatively small number of records revealed two containing serious errors: one record showed a detainee being released one hour before he was taken into custody; another gave the wrong date of release. Further, the records seen by the delegation contained no details of such matters as the holding of interrogation sessions and the granting of rights. On the other hand, the delegation was impressed by the records of 15 minute- interval cell checks seen at Arlanda Airport police station.

37. The CPT considers that the safeguards granted to persons in police custody would be reinforced (and the work of police officers quite possibly facilitated) if a single and comprehensive custody record were to exist for each person detained, in which would be recorded all aspects of his custody and action taken regarding them (when apprehended/arrested and reasons for apprehension/arrest; when told of rights; signs of injury, mental illness, etc.; when next of kin/consulate and lawyer contacted and when visited by them; when fed; when interrogated; when transferred or released, etc.). For various matters (for example, items in the person's possession, the fact of being told of one's rights and of invoking or waiving them), the signature of the detainee should be obtained and, if necessary, the absence of a signature explained. Further, the detainee's lawyer should have access to such a custody record.

The CPT recommends that the Swedish authorities endeavour to develop such a single and comprehensive custody record.

C. Prisons

38. The delegation visited three closed establishments of different types: the largest remand prison in Sweden (Stockholm Kronoberg), a national high security prison for men (Kumla), and a national prison for women (Hinseberg). The conditions of detention in each of these establishments shall be examined in turn, save that conditions in the small remand centre at Kumla shall be considered together with the situation at Kronoberg. Separate sections shall be devoted to medical services in the three prisons and to some broader issues related to the CPT's mandate.

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

a) general information

39. **Stockholm Remand Prison** is situated on the upper floors of a multi-storeyed building close to the city centre. It has an official capacity³ of 298, making it the largest prison establishment of any type in Sweden. At the outset of the delegation's visit the establishment was holding 250 inmates (including a small number of women), all with their own cell. The annual turnover of inmates is in the order of 12,000. The Prison Governor said that the average length of stay for persons suspected of serious crimes was 4 to 6 months. However, on occasion the stay was considerably longer; one prisoner had been held in the establishment for more than two years.

40. Persons apprehended by the police at the Central Police Station (located on the fourth floor of the same building) and persons arrested by a public prosecutor are held on the seventh floor. Persons held under the Aliens Act are also placed on the seventh floor. Persons remanded in custody by a court pending their trial are held on the eighth and ninth floors. A small medical facility is located on the sixth floor. All persons detained take open air exercise on the "tenth floor" i.e. on the roof.

41. The **remand centre at Kumla Prison** is a quite autonomous 22 cell unit which supplements the holding facilities at Örebro Remand Prison. At the time of the delegation's visit there were 20 persons in custody, broadly divided between a "closed" (for those subject to restrictions imposed by a public prosecutor⁴) and a "semi-open" section. The average length of stay was comparable to that found in the Stockholm Prison.

³ All official capacity figures are those provided to the CPT by the Swedish authorities in a letter of 1 March 1991.

⁴ As regards the power of public prosecutors to impose restrictions on remand prisoners, see paragraph 63 and Appendix III, paragraph 12.

b) cellular accommodation

42. The standard cells at Stockholm Remand Prison measured approximately 8 square metres. They contained a bed, chair, table, cupboard for clothes and, with a few exceptions, a washbasin with hot and cold water. Further, most prisoners held on remand had a television set in their cells. All cells were equipped with an intercom.

Nevertheless, two features marred what otherwise would be adequate cellular accommodation.

43. Firstly, ventilation in the cells was very poor, a point openly admitted by prison staff. The electric ventilation system was clearly deficient. Further, the cell windows could not be opened, and the flap in the cell door was kept closed in order to avoid prisoners subject to restrictions having contact with other prisoners. As a result, the cells were very close and warm, to the point of being oppressive, particularly on the sunlit southern side of the building.

The CPT recommends that steps be taken without delay to improve ventilation in the cellular accommodation at Stockholm Remand Prison (reference might also be made in this connection to Rule 16(a) of the European Prison Rules).

44. Secondly, in all the cells visited by the delegation, the cell window was screened by a closed venetian blind to which the prisoner did not have access, a feature which added to the sense of oppressiveness. Prison staff said that the windows were screened in order to prevent communication with persons outside. Given the height at which the prisoners were held, the delegation was not entirely convinced by this explanation. The Prison Governor said that each prisoner could decide whether the venetian blind should be open or closed; however, prisoners told the delegation that the question had never been raised with them.

The CPT recommends that the cell window screening arrangements at the Stockholm Remand Prison be reviewed. Preferably, prisoners should be able to cover and uncover the windows at will.

45. It should be added that the issues of cell ventilation and window screening are all the more important in view of the fact that the vast majority of the inmates spend practically the whole of the day in their cells (see further, paragraphs 54 to 57).

46. Cellular accommodation in the Kumla Remand Centre was on the whole of an acceptable standard. The cells possessed similar fittings to those in the Stockholm Prison; further, ventilation in the cells was quite adequate. **However, those in the closed section of the centre were rather small (3.05 x 2 = 6.1 square metres), 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.**

c) access to toilet/shower facilities

47. None of the cells in Stockholm Remand Prison or the remand centre at Kumla were equipped with a toilet. Nevertheless, prisoners told the delegation that access to toilet facilities was not a significant problem. There was a maximum wait of 10 to 20 minutes to get a member of staff to respond to a request to use a lavatory; apparently, this was the case even at night.

However, several prisoners independently told the delegation that when they had been held in the remand prison at Gothenburg, they had often been made to wait for very lengthy periods before being allowed to use a toilet facility.

The CPT wishes to emphasise the importance of prisoners having ready access to toilet facilities at all times.

48. In both establishments there was also very good access to shower facilities (prisoners could take a shower every day), which were clean and well appointed.

d) food for inmates

49. A considerable number of prisoners complained about both the quality and quantity of the food they were given.

Dissatisfaction with the quality of food provided by canteen facilities in institutions is a universal phenomenon. **However, the CPT considers that the complaints heard at the Stockholm Prison about the quantity of food provided should be looked into by the competent authorities.**

e) outdoor exercise

50. The CPT's delegation was satisfied that the basic requirement of one hour of outside exercise each day was being met (though not exceeded). On the other hand, the exercise areas left a great deal to be desired, in particular at the Stockholm Remand Prison.

51. Prisoners at Stockholm took their outdoor exercise on the roof of the building. For this purpose, a number of circular structures had been erected. At the centre of each structure was an observation room, from which radiated a series of cone-shaped compartments resembling animal pens. Prisoners took their exercise alone and were forbidden to speak with other prisoners in adjacent compartments; in any event, prisoners could not see each other due to the height of the dividing fences. The view was of the sky and of the tops of other multi-storey buildings. The compartments were some 6 metres long, and most were 2.5 metres wide at their widest point; a few were approximately double that size. The space available in most of the compartments ruled out any form of physical recreation other than walking up-and-down.

In short, the exercise area at Stockholm Remand Prison was a grim and depressing facility that was exposed to the elements; small wonder that many prisoners preferred to forego the possibility of using it.

52. The Prison Governor informed the delegation of plans to renovate the exercise area; in particular, some of the compartments were to be enlarged, thereby allowing up to 10 prisoners not subject to restrictions to take their exercise together. This would no doubt palliate slightly the negative effects of the present arrangements. However, more fundamental changes are required.

In the CPT's opinion, exercise areas should be sufficiently large to allow prisoners to exert themselves physically.

The CPT recommends that steps be taken immediately to improve substantially the outside exercise facilities at Stockholm Remand Prison as well as at other establishments where facilities comparable to those at Stockholm exist⁵.

53. Prisoners in the semi-open section of the Kumla Remand Centre took their outdoor exercise together in a yard of adequate size. Prisoners in the closed section used the exercise facility belonging to the prison's isolation unit. This was of a similar "camembert" design to the structures seen at Stockholm; however, the compartments were larger.

f) regime activities

54. The Stockholm Remand Prison possessed no distinct facilities for work or education, and practically none for sport or group association. There was a small weight training/exercise room, which staff said could be used by groups of up to five prisoners at a time; prisoners had to make a written application to use the facility, and it was openly admitted in the information sheet given to prisoners that the room's capacity was low. In addition, there was an association room equipped with a television, video and a few games. Prisoners were said to be able to use it for up to two hours at a time in small groups. Finally, some of the cells had a communicating door, and the delegation was informed that the door might be left open for three to four hours a day, thereby enabling the two prisoners to associate. Any work or education activities took place within the cell; the delegation found no evidence of developed programmes in either of these areas.

55. As for the many inmates who were not allowed to have contact with other prisoners as a result of restrictions imposed by a public prosecutor, there was basically no out-of-cell activity whatsoever apart from outdoor exercise on the roof. Staff said that such prisoners could on request use the exercise room alone; but it was clear that such a facility could only be offered very rarely given the large number of prisoners the room had to serve.

⁵ The delegation was informed that rooftop exercise areas of similar design were also to be found in some other remand establishments, for example at Gothenburg and Örebro.

56. Mention should also be made of persons held under the Aliens Act, who numbered fifteen at the time of the delegation's visit. They were offered no out-of-cell activity other than exercise on the roof. Admittedly, such persons would usually stay a few weeks at the most; however, the delegation met one prisoner held under the Aliens Act who had been at the prison almost five months.

57. The net result was that out-of-cell time for prisoners in general- and not just those subject to restrictions - would often be as little as 1½ to 2 hours a day i.e. for the outdoor exercise period and using toilet and washing facilities. For the rest of the time they would be alone (or at best at two) and idle in their cells, television and newspapers being their principal sources of distraction. Prisoners were frequently subjected to this mode of life for months, and on occasion for more than a year. For many of them it must prove to be a deadening experience.

58. The situation in the "closed section" of the remand centre at Kumla Prison was no better than in Stockholm. Prisoners subject to restrictions would be kept in their 6 square metre cells more than 22 hours a day for perhaps months on end. They were offered no work and would not benefit from any educational activities unless they took the initiative. Staff explained that due to a lack of resources, prisoners in the centre as a whole were not encouraged to pursue educational courses.

59. The recently created semi-open section offered a distinctly better regime for prisoners not - or no longer - subject to restrictions. Doors were left open during the day, and prisoners had at their disposal a community room, as well as table tennis and weight training/exercise facilities. However, as in the closed section, no work or educational activities were offered.

60. Staff at both Stockholm Remand Prison and the remand centre at Kumla Prison were conscious of the shortcomings concerning regime activities, and informed the delegation of plans in this area. At Stockholm, the kitchen was to be placed on the roof, which would free space within the building for group recreation purposes. Although this initiative is to be welcomed, it is doubtful whether it will be sufficient in itself to remedy the present situation. As regards Kumla, an entirely new remand centre was apparently to be constructed by 1994.

61. The existing situation as regards regime activities in the remand establishments at Stockholm and Kumla, and quite possibly in other remand establishments⁶, is manifestly unsatisfactory. Prisoners are held for weeks and months (on occasion even longer) under a regime more akin to that of a police station than of a prison establishment. Of course, the organisation of satisfactory regime activities in an establishment with a rapid turnover of inmates is not a straightforward matter. There can clearly be no question of individualised programmes of the sort that might be aspired to in a prison for the serving of sentences. However, prisoners cannot simply be left - as they are too often at present - to languish in their cells; a television set is no substitute for a programme of activities.

62. The CPT recommends that steps be taken as a matter of urgency to improve radically regime activities at the Stockholm Remand Prison and the remand centre at Kumla Prison, as well as, if necessary, at other remand establishments. The regimes to be implemented should 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 (group association activities, education, sport, work with vocational value).

g) restrictions

63. As from the moment that someone is arrested, the public prosecutor may, in the interests of the investigation, limit and even prohibit contact between the detainee and other persons. Such restrictions may continue to be applied throughout the whole period of arrest and remand in custody, and might even be prolonged after conviction in the event of the person concerned lodging an appeal. At the time of the delegation's visit to Stockholm Remand Prison, 50% of the persons held on remand were subject to restrictions of one kind or another. Examination of the prison roll showed that the most common restrictions were on visits and telephone calls (vis-à-vis particular persons or persons in general⁷), and on contacts with other prisoners; occasionally, access to newspapers and radio and television was denied. A prisoner could complain about restrictions imposed to a hierarchically superior public prosecutor; however, the matter could not be raised before a court.

⁶ For example, prisoners told the delegation that regime activities were just as underdeveloped at Gothenburg and Örebro Remand Prisons.

⁷ It should be noted, however, that contacts between a prisoner and his public defence counsel cannot be subjected to restrictions.

64. As already indicated, the very limited out-of-cell activities at Stockholm and Kumla mean that prisoners in general find themselves isolated for much of the time. The application of restrictions make the situation even worse; they can result in the solitary confinement of prisoners for very long periods. By way of example, the delegation met a foreign national at the Stockholm Prison who had been resident in Sweden for 12 years together with a large family. He had been held for eight months subject to a total prohibition of all visits save for those from his lawyer. He was allowed no contact with other prisoners and had only very limited contact with prison staff. He was allowed to write to his wife, subject to censorship. He had recently been sentenced and the restrictions continued pending the outcome of an appeal. Numerous other remand prisoners met by the delegation at Stockholm and Kumla were in a similar situation.

65. It should also be pointed out that when a sizeable proportion of the inmates of an establishment are not allowed to have contact with other prisoners, the enforcement of this rule can have a knock-on effect of a negative nature on all the prisoners. For example, at Stockholm all prisoners were prohibited from speaking with others during outdoor exercise and all prisoners had their cell door flaps closed, in order to avoid prisoners subject to restrictions from entering into contact with other inmates.

66. Staff of all levels and categories at Stockholm Remand Prison were of the opinion that restrictions were applied too frequently and expressed disquiet about the effects of the isolation that flowed from them. Apparently, social workers within the establishment often took it upon themselves to negotiate with the public prosecutor about the restrictions applied to a given prisoner; concessions, it was claimed, were sometimes achieved.

The CPT's delegation also had the opportunity to meet Mr Wigelius, a former Parliamentary Ombudsman who was currently responsible for reviewing the powers of public prosecutors. It gained the distinct impression that he too was preoccupied by the extensive use being made by public prosecutors of their power to impose restrictions.

67. It is indisputable that the imposition of restrictions on contacts between a prisoner on remand and other persons will on occasion be necessary in the interests of the investigation. However, great care must be exercised in this area. The general principle of proportionality, widely applied in national legal systems and upheld by the European Commission and European Court of Human Rights, requires that a balance be struck between the requirements of the investigation and the imposition of restrictions, which is a step that can have very harmful consequences for the person concerned. In the CPT's view, the fact that a half of the remand prisoners at Stockholm Remand Prison were subject to restrictions at the time of the delegation's visit is in itself prima-facie evidence that such restrictions are being applied too liberally.

68. **Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible. In this connection, the CPT recommends the Swedish authorities to take the necessary steps to ensure:**

- **that the imposition of restrictions on a remand prisoner's contacts with other persons and the prolongation of such a measure are resorted to only in exceptional circumstances and are strictly limited to the actual requirements of the case;**
- **that a decision to impose restrictions is reviewed at regular intervals and is subject to appeal to an independent body;**
- **that the reasons for decisions to impose or renew the application of restrictions are set out in writing and that, unless the requirements of the investigation dictate otherwise, the prisoner is informed of those reasons;**
- **that 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 is 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, should be set out in a written statement, to be forwarded to the competent authorities.**

69. **Further, the CPT would like to receive:**

- **statistics covering the last few years on the number of remand prisoners subject to restriction on contacts with other persons and on the length of time during which this measure has been applied;**
- **the conclusions of the review of public prosecutors' powers referred to in paragraph 66, as soon as they become available.**

* * *

70. More generally, on looking beyond the apparent comfort offered by good-sized and clean cells usually equipped with radio and television, **the CPT's delegation found at Stockholm Remand Prison a series of factors** - inadequate regime activities resulting in very limited out-of-cell time; poor ventilation and unsatisfactory window screening arrangements within the cells; frequent application of restrictions on contacts with others, which reinforced the isolation inherent in the excessive in-cell time; the fact that the many foreign prisoners would often, because of language difficulties, not even be able to make use of the limited possibilities for contacts with the staff; poor outdoor exercise facilities, making the principal out-of-cell activity on offer a very unattractive option; lengthy stays - **which when accumulated led to wholly unacceptable conditions of detention for many of the prisoners held in the establishment.**

2. Kumla Prison

a) general information

71. Kumla Prison is located in central Sweden, near the town of Örebro. It was opened in 1965 and is a purpose-built, closed national high security establishment for men serving long sentences, with a capacity of approximately 240. At the outset of the delegation's visit, the establishment was holding 200 inmates, many of whom were foreign nationals. The inmate population is divided between two distinct areas (Kumla I and Kumla II), which are separated from each other by a third area containing the administrative block and other central facilities.

72. Approximately two-thirds of the inmates are held on normal location in Kumla II, which contains three cell blocks (Houses C to E) for this purpose. This area also has extensive workshops, education and leisure facilities, and a playing field, gymnasium and swimming pool.

The remainder of the inmates are held in Kumla I in Houses G and H. House G accommodates prisoners held in isolation (both voluntary and otherwise), the prison's medical facilities and the remand centre (see paragraph 41). House H contains the unit for new arrivals, two units for "difficult" inmates, and a special wing for prisoners falling under section 20a of the Act on Correctional Treatment in Institutions (see paragraph 86).

b) cellular accommodation and toilet/shower facilities

73. The standard cell at Kumla measures 6 square metres; all prisoners have their own cells. In addition to a bed and table, the cells have a washbasin with hot and cold water, a radio and a call bell; further, prisoners are allowed to have a television set. The cells possess satisfactory ventilation and lighting, including natural light. The cells are not particularly spacious. However, for persons who spend a significant proportion of the day outside their cells - which is the case for practically all prisoners at Kumla - they offer adequate accommodation.

74. During the day, prisoners have ready access to toilet and shower facilities. However, access to toilet facilities at night after locking-up time is apparently problematic. Prisoners in several units independently told the delegation that up to one hour might pass before a request to use a toilet facility was met. Consequently, washbasins were often used as urinals. Prison staff themselves admitted that there were difficulties in this area.

Ready access at all times to toilet facilities is of fundamental importance. **The CPT recommends that appropriate steps be taken to improve access at night to toilet facilities for prisoners at Kumla.**

c) C, D and E Houses (normal location)

75. A large proportion of the prisoners on normal location spent 40 hours a week in the modern workshops of F House (carpentry, ironwork, paintshops, assembly work) and were paid reasonably well for their activity (9 Crowns per hour). Sport, leisure and educational facilities were also of a high standard, and access to them good. More generally, prisoners had ample opportunity for association.

76. Some prisoners complained that education possibilities were limited. One specific complaint made by foreign nationals was that the only educational activity available to them was learning Swedish, an activity of understandably little interest to prisoners often subject to deportation on completion of their sentences.

The CPT would like to receive information on the education courses available at the establishment and on the number of inmates who can have access to them.

77. Further, the delegation gained the impression that Kumla did not have enough language specialists to cope satisfactorily with the needs of the sizeable foreign inmate population.

78. Prisoners had a visit entitlement of 2+ hours per week, and the visiting facilities were good. However, the establishment's somewhat isolated location meant that many prisoners (and not just foreigners) did not regularly receive visits. Under such circumstances, adequate opportunity for telephone contact with a view to maintaining relationships with family members and close friends is important. The delegation heard a number of complaints from prisoners on this subject.

The CPT would like to be informed:

- **of the arrangements concerning access to telephones at Kumla, and in particular of any special rules for foreign prisoners or other inmates who do not receive visits regularly;**
- **of any particular arrangements for visitors who must travel long distances to see a prisoner (e.g. accumulation of visiting time).**

d) G House (isolation)

79. The isolation unit in G House was divided into two distinct sections, one for those held in the unit involuntarily and the other for prisoners who had requested isolation. The cellular accommodation was comparable to that seen in the rest of Kumla. Rooms in which the prisoner would work alone were close by.

The unit also possessed a number of security cells for the holding of violent prisoners (see also paragraphs 127 to 130), or inmates separated from others during the investigation of a suspected disciplinary offence. A distinct facility existed for prisoners suspected of having swallowed a package containing drugs.

As regards outdoor exercise, an austere cage-like structure divided into small compartments served both sections.

80. Involuntary occupants of the isolation unit were apparently normally kept there for relatively short periods - a few days or perhaps one to two weeks. However, there were exceptions. One of the unit's prisoners at the time of the delegation's visit had been held there for two months on the basis of section 20, paragraph 1, of the Act on Correctional Treatment (i.e. prisoners considered to be a danger to themselves or others, or to good order within the institution). He claimed that he had been given no reasons - at least not in writing - for the application in his case of section 20 and had not received a hearing. However, he was aware that under the law his situation had to be reviewed at least every 10 days. Complaints were also heard in other units about arbitrary decisions to place prisoners in isolation.

The CPT recommends that an inmate who is separated from other inmates on the basis of section 20:

- **be informed of the reasons (preferably in writing) for that measure, unless security requirements dictate otherwise;**
- **be given an opportunity to present his views on the matter;**
- **be kept informed of the outcome of reviews of his situation.**

81. The delegation was informed that prisoners placed in isolation at their own request might remain in the unit for very long periods; stays of several years were apparently not uncommon. In the CPT's opinion, this is a high-risk situation. Such extended periods of isolation could well have a very detrimental effect upon the mental health of the inmates concerned, either by inducing mental illness or by exacerbating an existing condition which was at the root of the original request to be placed in voluntary isolation.

The CPT recommends that the mental health of inmates held voluntarily in the isolation unit be very closely monitored (see also paragraphs 123 and 124).

Further, the CPT recommends that the existing very limited possibilities for association between inmates who are voluntarily isolated be developed.

- e) H House (the induction unit, sections for "difficult" prisoners, and the special wing)

- *the induction unit*

82. Newly arrived prisoners spend approximately one week in the induction unit. The delegation observed that the fittings in the unit's twelve cells were if anything of a higher standard than those found in other cells at Kumla. Television sets were in the process of being introduced in all the cells. Prisoners in the unit could associate and had at their disposal table-tennis and weightlifting/exercise rooms. There was also a pleasant room for interviews and a good outdoor exercise area.

In short, from a material point of view the induction unit was an impressive facility.

83. However, the delegation was surprised to be told by the unit's staff that no information on the prison was given in writing; all explanations were provided orally. In the CPT's opinion, oral explanations should be backed up by written information which the prisoner can take away with him when he leaves the unit (reference might also be made to Rule 41 of the European Prison Rules).

The CPT recommends that all newly arrived prisoners be provided with written information about the establishment's regime, complaints procedures, etc. This information should be available in appropriate foreign languages in addition to Swedish.

- *sections for "difficult" inmates*

84. H House contained two distinct 12-place sections (HI and HII) for so-called "difficult" inmates. As far as the delegation could ascertain, these were disciplinary units in all but name. A prisoner might be placed in one of them after having committed a disciplinary offence or if his presence on normal location was for one reason or another considered to be prejudicial to good order and discipline. Staff said that a prisoner might stay in HI or II for up to six months.

85. The distinction between a prisoner placed in HI or II and one put in the isolation unit on the basis of section 20(1) of the Act on Correctional Treatment would appear to be a fine one. Much apparently turns on the ability of the prisoner to get on with others. Indeed, occupants of the HI and HII sections live together as a small community. For this purpose they have a sizeable association area at their disposal as well as a table-tennis and an exercise room. Cellular accommodation is much the same as on normal location. However, regime activities are of a distinctly inferior level to those in C, D and E Houses. The general atmosphere within the sections was quite relaxed.

- *the special wing*

86. Kumla is one of the three prisons in Sweden with a special wing used to accommodate prisoners covered by section 20a. of the Act on Correctional Treatment i.e. prisoners sentenced to at least two years imprisonment who it is felt need to be kept separate from other inmates for an extended period in order to prevent their escape or whose placement in a special wing is considered necessary to stop them from participating in criminal activity of a serious nature during their stay in prison. The delegation was informed that the average length of stay in a special wing was 4 to 6 years.

87. The special wing at Kumla, normally referred to as "the bunker", has places for nine prisoners. At the time of the delegation's visit there were four occupants; two other prisoners had escaped from the wing (apparently while on exercise) some 48 hours earlier. The special wing is a self-contained unit; in addition to the cellular accommodation, it has its own work and education rooms, outdoor exercise area and visiting room. It also possesses an association area, including coffee/TV, table-tennis and weight training rooms.

88. The special wing is the subject of reinforced security measures. The delegation noted in particular that these measures were not limited to the unit's entry and perimeter, and to contacts between its occupants and the outside world; they impinged very much upon day-to-day life within the unit itself.

The prisoners were only allowed to associate in groups of two or three (depending on the overall number of prisoners), the membership of the groups being changed each day. The different phases of the day (free time in the association area; work; study; exercise) of each group were staggered, thereby avoiding any contact between the different groups. Further, prisoners were locked into the part of the unit (association area; workroom, etc.) they were using at any given time. As a result, the shut-in feeling inherent in any such unit was heightened to the point of oppressiveness.

89. The general principle followed in most countries is that prisoners who present a particularly high security risk should, within the confines of their special security unit, enjoy a relatively relaxed regime (able to mix freely with the small number of fellow prisoners in the unit; allowed to move without restriction within what is likely - as at Kumla - to be a relatively small physical space; granted a good deal of choice about activities, etc.) by way of compensation for their severe custodial situation. A recent policy statement on the special wings in Sweden would also seem to advocate such an approach⁸. However, the special wing at Kumla appeared to breach the above-mentioned principle, with the result - as evidenced by the delegation's discussions with some of the wing's occupants - that prisoners had become alienated from the staff.

A certain relaxation if not abandonment of the rigid group system currently operated within the special wing could, in the CPT's opinion, significantly improve the living environment inside the wing without endangering security. On the contrary, as recognised in the above-cited policy statement, a good internal atmosphere in a unit such as the special wing is in the interest not only of the humane treatment of the unit's occupants but also of the maintenance of effective control and security and staff safety.

90. Consequently, the CPT recommends that the group system as currently applied to prisoners in the special wing at Kumla be reviewed, taking into account the remarks made in paragraphs 88 and 89.

91. The existence of a satisfactory programme of activities is just as important - if not more so - in a special security unit as it is on normal location. It can do much to counter the deleterious effects for a prisoner's personality of living in the bubble-like atmosphere of such a unit.

⁸ "The philosophy underlying the work of a special wing ought to be to create an activity capable of counterbalancing the security and control measures which surround the wing. The ambition should be to create a good atmosphere and a good relationship between the detainees and the personnel. Close contacts with and good personal knowledge of the detainees make it possible to influence the detainees in a positive way and, at the same time, to ensure a high level of security for the personnel and to protect against escape plans. This also makes it possible to establish a decent environment both for the personnel and for the detainees" (paragraph 3 of section 1 of the document "Verksamheten vid specialavdelningar" No. C21-3402-89).

92. The delegation observed that the work carried out by prisoners in the special wing - namely the gluing together of pieces of cardboard - was of a very elementary and hence tedious nature. It was argued that more sophisticated work activity would give prisoners access to items that could be used for the purpose of an escape attempt. This argument has considerable force and will certainly justify ruling out many types of work activity found on normal location. Nevertheless, more interesting work than sticking pieces of cardboard could be found without undermining security; in this connection reference might be made to the suggestions given in paragraph 87 of the Explanatory Memorandum to the Recommendation (No. R(82) 17) on the custody and treatment of dangerous prisoners adopted by the Committee of Ministers of the Council of Europe on 24 September 1982.

The CPT recommends that attempts be made to provide prisoners in the special wing with more stimulating work.

93. As regards education, more than two hours was set aside each day during the week for study. However, inmates told the delegation that even if a prisoner had been assigned a teacher (which might not always be the case), he would only be present about 1 hour a week.

The CPT would like to receive information on the education courses offered to prisoners in the special wing and on the teaching arrangements made for this purpose.

The CPT would also recommend that prisoners in the special wing be offered from time to time some form of organised recreational activity during their free time or outdoor exercise period. At the moment prisoners appear to be left entirely to their own devices, with the result that they tend to just laze away the time.

94. Finally, in the context of the improvement of activities, **the CPT recommends that the large sitting area close to the entrance of the wing be better exploited in the interests of the prisoners.**

95. As regards contact with the outside world, the delegation noted in particular that prisoners in the special wing were allowed a visit of between 1 to 3 hours per week. The wing's visiting facilities were quite adequate. Visits might be supervised, in particular on the first few occasions that a particular visitor came. However, unsupervised visits were subsequently possible, provided that the prisoner and his visitor accepted rigorous searching procedures, which might extend on occasion to intimate searches for both parties. The issue of the searching of visitors was a sore point with prisoners spoken to; however, it might be considered as a necessary evil if maximum security prisoners are to benefit from unsupervised visits, a privilege which such prisoners do not enjoy in many other countries.

96. The delegation was informed that prisoners in the special wing were not allowed to have visits (whether supervised or not) from children under the age of 15. **The CPT would like to be informed of the reasons for this rule, which would appear to run counter to the provisions of the above-mentioned policy statement (see section 6, paragraph 3 of the statement).**

97. The Act on Correctional Treatment provides for the review of decisions on placement in a special wing at monthly intervals. Prisoners told the delegation - and it was confirmed to some extent by prison staff - that the monthly review procedure was a pure formality. The placement decision was apparently systematically renewed at this stage. Prisoners received a short letter informing them of the renewal. A real review of the placement decision was said to take place every six months, on which occasion representatives of the National Prison and Probation Administration would visit the special wing.

Prisoners expressed dissatisfaction with the information given to them concerning the justification for their placement in the special wing and its renewal. The Prison Governor also felt that improvements were possible in this area.

98. It is axiomatic that a prisoner should not be held in a special security unit any longer than his degree of dangerousness makes it necessary. This calls for regular reviews of the placement decision. Further, prisoners should as far as possible be kept fully informed of the reasons for their placement and, if necessary, its renewal; this will inter alia enable them to make effective use of avenues for challenging the measure.

The CPT recommends:

- **that a prisoner who is placed in a special wing or whose placement is renewed be informed in writing of the reasons for that measure, unless significant security requirements dictate otherwise;**
- **that a prisoner in respect of whom such a measure is envisaged be given an opportunity to express his views on the matter;**
- **that the placement of a prisoner in a special wing be fully reviewed at least every three months.**

The CPT would also like to be informed of the avenues open to a prisoner for the purpose of challenging a decision to place him in a special wing or to renew his placement.

3. Hinseberg Prison

a) general information

99. Hinseberg Prison is situated on a sizeable estate to the north of Örebro in a location of considerable beauty. It accommodates exclusively women, most of whom have been sentenced to relatively lengthy sentences (i.e. more than one year). The inmate capacity is 94, divided between a closed (60) and an open (34) section; at the time of the delegation's visit, the establishment was holding 73 prisoners.

100. Most of the inmates are accommodated in eight single-storey units (houses) of 10 to 12 places each, the principal distinction between the closed and open units being that inmates in the former are locked in their cells at night. Prisoners considered to call for a higher degree of security are placed in a 10 cell unit located in a former manor house.

b) physical facilities and regime activities

101. The cells in the single storey units, though not particularly spacious (6 square metres), were of an adequate size bearing in mind that prisoners spent more than 12 hours a day out of their cells. They were pleasantly furnished, equipped with a washbasin (hot and cold water) and an intercom, and possessed good ventilation and lighting. In addition to the cellular accommodation, each unit had a communal dining room/sitting room area, kitchen, toilets and a shower. As regards night access to a toilet facility for prisoners in the closed units, there was no great complaint about the time it took for a request to be answered.

102. Conditions in the Dalgarden unit (used to accommodate prisoners who had breached prison discipline or who were in transit) were not quite as good as in the other units, but still adequate. Certain prisoners in this unit said that their mattresses were mouldy; **this complaint was found to be exaggerated, but not entirely without foundation.**

Prisoners in the 10 cell higher security unit enjoyed large (11.5 square metres) and very well furnished cells, as well as pleasant communal eating and recreation areas.

103. The prison's other facilities included a ten bed infirmary, gymnasium, library, education unit, workshops, weight training room, and a visiting area, including separate rooms for family/conjugal visits. All these facilities were well-equipped.

104. In short, the physical facilities at Hinseberg were on the whole extremely good.

105. Regime activities were also, as far as the delegation could judge, quite satisfactory. During the week, prisoners were kept occupied throughout the day in various types of work activity (e.g. a laundry industry; assembly workshop; carpet making; cleaning duties; work in the grounds or with the estate's animals and poultry farm - these latter activities being restricted to prisoners from the open units), and were reasonably paid for their work (up to 9 Kroner per hour).

Further, facilities for educational activities were very good, and the delegation was informed that 60 to 70% of the inmates participated in some kind of study. There was also a good range of leisure/sport activities, and prisoners had ample opportunity for association, both within their units and with inmates from other units.

It should be added that prisoners held in the higher security unit were allowed during the day to leave the unit and participate in the prison's general programme of activities.

c) some issues giving rise to concern

106. Despite what on the face of it appeared to be close to ideal conditions of detention, the delegation heard a considerable number of complaints from prisoners. To a large extent this can no doubt be explained by their expectations becoming geared to Hinseberg, and rising accordingly. Nevertheless, three areas were highlighted in which the delegation considers there are grounds for concern, namely the prison's medical service (to be examined later - see paragraphs 116 to 118), restrictions placed on certain prisoners' contacts with the outside world, and the quantity of food.

107. It was evident from the delegation's discussions with the Governor that he attached an extremely high priority to preventing the use of drugs by inmates. The establishment was, he said, practically drug-free, and he was clearly prepared to go to considerable lengths to keep it that way.

In this connection, many complaints were heard that possibilities for visits were being unjustifiably curtailed by the Governor in some instances, in the name of keeping the prison drug-free. In particular, any family member or close friend (including a husband/partner) who had a criminal record or who was known to the police as a drug user might not be allowed to visit the inmate at all, or only under conditions of close supervision ruling out any physical contact. Further, some foreign inmates said that they were not allowed to receive visits from members of their families or close friends who lived abroad, apparently because of the difficulties of applying to such persons the prior vetting procedure foreseen in section 29 of the Act on Correctional Treatment.

108. The CPT fully recognises the importance of preventing drug abuse by prisoners. Nevertheless it wishes to emphasise that it is extremely important for all prisoners to be given the opportunity of safeguarding their relationships with their families, partners and other close friends. Of course, visits may sometimes have to be supervised and/or accompanied by rigorous search procedures and in exceptional cases even prohibited. **However, 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 to the CPT.**

109. Further, the CPT is concerned about certain consequences of the arrangements for prisoners' telephone contacts. Prisoners are permitted a limited number of telephone numbers that they may call. Only designated relatives' numbers may be included (husbands, parents, children, etc). This means that some prisoners without relatives may not be allowed to call anyone. Further, the delegation was told by foreign prisoners that they were not allowed access to numbers outside Sweden, with the result that they could not maintain contact with their families abroad.

110. The CPT recommends that arrangements at Hinseberg Prison for visits and telephone contacts be reviewed, in order to ensure that contacts with the outside world, and in particular with families, partners and other close friends, are not being inequitably restricted in the case of certain prisoners.

111. A considerable number of prisoners complained that their meals were insufficient in quantity, especially in the evening, with the result that they had to buy extra food from the prison "kiosk" (where prices were high). The delegation examined the food provided to inmates one evening; it found that the prisoners' complaints were justified. **The CPT recommends that the quantity of food provided to prisoners be increased.**

112. Finally, the delegation provided the Governor with details of certain allegations it had heard about sexual harassment in the prison. He said that he would take appropriate action.

4. Medical questions

a) introduction

113. The CPT's delegation was informed of the general principle according to which prisoners in Sweden should receive the same level of medical treatment as that received by Swedish citizens in general. One consequence of this principle was that there was no distinct prison medical service in Sweden.

114. Prisoners in need of medical attention are cared for by doctors and nurses belonging to the general health community, who are engaged on a contractual basis; it was emphasised to the delegation that they were fully independent vis-à-vis prison management on all medical matters. If necessary, resort is had to public medical services for the purposes of examinations and treatment, which may frequently involve the actual transfer of an inmate from a prison to a public hospital.

Indeed, as far as the delegation could judge, medical facilities in prisons were used only for relatively minor matters and convalescence; they were not intended to act as hospital units in the normal sense of the term. Prisoners in need of the facilities of a hospital would be sent to a local hospital. The prison/outside hospital interface did not appear to be the source of particular problems.

b) medical screening on reception

115. The CPT has noted that the relevant regulations concerning both remand establishments and establishments for sentenced prisoners provide that new arrivals should be asked about their health by a prison officer. If a prisoner states that he requires medicine or is physically or mentally ill, this is to be reported without delay to the doctor or nursing staff. Further, if the prisoner shows signs of acute illness, his needs are to be immediately assessed by health care staff.

Moreover, it is provided that newly admitted prisoners shall be examined by a medical doctor as soon as possible after their admission. **The CPT considers that, save for in exceptional circumstances, this examination should be carried out on the day of admission, especially insofar as remand establishments are concerned.**

c) medical care in the three prisons visited

116. The premises and equipment of the medical facilities in the three prisons visited were of a high standard. Further, the professional competence of the medical and nursing staff was evident. However, the actual extent of the medical services provided within the establishments was a source of concern, in particular at Hinseberg and Kumla. Resources for handling health care issues which were not so acute as to require hospital treatment were clearly very thinly stretched, especially in the psychiatric/psychological area.

117. At Hinseberg there was a post for a full-time psychologist, but it was vacant at the time of the delegation's visit. A psychiatrist visited the prison in principle one day a week; however, the delegation learned that in fact he came to the establishment rather infrequently. In addition, a gynaecologist and a general medical practitioner each visited the prison every other week. As a result, running the medical service fell very much on the shoulders of the two full-time nurses.

118. In a prison for women of the importance of Hinseberg, where many prisoners are serving relatively long sentences, a psychiatric/psychological service consisting of the occasional appearance of a psychiatrist is insufficient. Not surprisingly, the delegation met several inmates who - although not mentally ill - were clearly in need of psychiatric or psychological assistance.

The CPT recommends that the vacant full-time post of psychologist be filled without delay and that the necessary steps be taken to ensure a more regular attendance of a psychiatrist at the establishment.

Consideration might also usefully be given to reinforcing the medical service in other respects, in particular by providing more gynaecological care; in this connection, it should be noted that most of the establishment's inmates are young women in their 20's and 30's.

119. At Kumla Prison, a psychiatrist attended the establishment one day a week; he had no locum when he was not able to come. The delegation heard no reference to any assistance from a psychologist, though in documents provided prior to the visit the establishment was said to possess a full-time psychologist. A general medical practitioner also visited the prison once a week (but again was not replaced in the event of his being unavailable). The medical service also had three full-time nurses.

120. The presence one day a week of a psychiatrist is manifestly insufficient in a large maximum security establishment such as Kumla. As at Hinseberg, the delegation met several inmates who, although not requiring admission to a psychiatric institution, were in need of psychiatric/psychological care. Non-psychotic inmates experiencing fear, isolation or stress disorders (including post-traumatic stress syndromes⁹), would benefit from psychiatric/psychological treatment. Such treatment was not being provided in sufficient quantity at Kumla.

Further, the CPT is surprised that the presence of a general medical practitioner one day a week should be considered adequate in an establishment of Kumla's size. No doubt, any acute cases will receive the necessary treatment at Örebro Hospital; but for non-acute cases, the amount of somatic care must be meagre.

The CPT recommends that steps be taken without delay to improve substantially the psychiatric and psychological services available to inmates at Kumla Prison.

Serious consideration should also be given to providing for a more frequent attendance by a general medical practitioner.

121. As far as the delegation could judge, medical services at the Stockholm Remand Prison were somewhat better. Each of the three floors had its own doctor, who worked on a half-time basis. In each case, the doctor was a psychiatrist, who also provided general medical care. In addition there was a Head Doctor, again a psychiatrist. There was also adequate nursing staff.

122. The CPT's delegation was concerned about the adequacy of night and weekend cover in the three prison establishments visited. As a rule, no nurse was present after late evening or at weekends. Arrangements existed whereby a doctor was always readily contactable; however, there might be no one in the establishments during the night or at weekends with the necessary knowledge to give immediate care or even to realise the seriousness of an acute somatic condition.

The CPT recommends that someone competent to provide first aid be always present on prison premises, preferably a person with a recognised nursing qualification.

⁹ In this connection, it should be mentioned that the delegation met several foreign prisoners who had been tortured in their countries of origin and who continued to suffer from psychological sequelae.

d) medical care of prisoners held in isolation

123. The Act on Correctional Treatment contains several provisions on the medical care of prisoners in isolation. A prisoner held voluntarily in isolation, or who is kept separate from other inmates or placed in a special wing under section 20 et seq of the Act, is to be examined by a doctor if this is "necessary with regard to his condition". Further, such an examination is obligatory if the isolation/separation continues for one month. Moreover, a prisoner who is held separate because he is a danger to his own life or health is to be examined by a doctor as soon as possible.

124. In this connection, the CPT wishes to emphasise that whenever a prisoner held in isolation (for whatever reason), or a prison officer on the prisoner's behalf, requests a medical doctor, such a doctor must be called without delay with a view to carrying out a medical examination of the prisoner. Further, 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 continued isolation, should be set out in a written statement, to be forwarded to the competent authorities (see also paragraph 68, fourth indent).

The CPT recommends the Swedish authorities to take all necessary steps to ensure that the practice within prisons complies with the above indications.

e) HIV+ prisoners

125. The CPT's delegation was informed that HIV tests for prisoners were voluntary and that prisoners found to be HIV+ but who were well would be placed on normal location. However, it was also told 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. **The CPT would appreciate the comments of the Swedish authorities on this latter point.**

126. More generally, **the CPT would like to receive 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.**

5. Other issues related to the CPT's mandate

a) control of violent inmates

127. Swedish legislation provides that a violent inmate may be temporarily kept separate from other inmates, for as long as it is deemed necessary to subdue his behaviour. Further, where other means prove inadequate to control the prisoner's behaviour, he may be put under physical restraint if this is unavoidably necessary for his life or health or that of others. A doctor must examine as soon as possible a prisoner to whom these measures have been applied. It is also provided that a prisoner to whom a physical restraint is applied must be kept under continuous supervision.

128. As already indicated (see paragraph 9), two prisoners complained to the delegation about their treatment when being taken to a security cell. One of the prisoners alleged that he had been hit by prison staff while strapped to the cell's bed.

129. The delegation examined the security cells used in the three prisons visited for the temporary holding of violent inmates. They were all of reasonable size and had adequate lighting and ventilation.

Many of the cells were equipped with a bed that was fixed to the floor and so designed to enable, if necessary, the prisoner to be strapped by his arms and legs. Staff told the delegation that instruments of physical restraint were resorted to very rarely, and the delegation found no evidence to the contrary during its visit.

130. **The CPT considers that the following safeguards should exist in this area:**

(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 above-mentioned 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 is 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.

The CPT would like to be informed whether all these safeguards exist in Sweden.

b) disciplinary matters

131. The basic elements of the disciplinary system applied to prisoners are set out in Appendix III (paragraph 17). The CPT notes in particular that solitary confinement as a disciplinary punishment is not allowed in Sweden. However, it is possible under section 20(1) of the Act on Correctional Treatment to separate a prisoner from other inmates for reasons related inter alia to good order and discipline within the establishment; the CPT has already made some recommendations concerning the exercise of this power (see paragraph 80).

132. The CPT's delegation was told that it was also quite common for a prisoner who had misbehaved to be transferred to another prison.

The CPT would like to be informed of the procedures and practice concerning the transfer of prisoners for reasons of discipline, and of related guarantees for the prisoners concerned.

133. The delegation heard allegations 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. Apparently, the sanction usually took the form of withdrawal of privileges.

The CPT would like to receive the comments of the Swedish authorities on these allegations.

134. As regards remand prisons, there would appear to be no clear-cut disciplinary system within such establishments. The Act on remanded and arrested persons is silent on the subject, and the Governor of Stockholm Remand Prison confirmed that there was no mechanism within the establishment for adjudicating breaches of discipline. In the event of misbehaviour by a remand prisoner, the only sanction would appear to be transfer to another establishment (of course, a violent inmate could be placed in a security cell until such time as he calmed down).

In the absence of a formal disciplinary procedure, there is the danger of an unofficial (and uncontrolled) disciplinary system developing. It might therefore be appropriate to adopt some clear rules in this area. **The CPT would like to receive the views of the Swedish authorities on this question.**

c) watchdog procedures

135. The existence of an authority which is independent of the prison administration, with the power to hear (and if necessary take action upon) complaints from prisoners in a particular establishment about their treatment and to inspect the prison's premises, is a fundamental safeguard against ill-treatment.

136. The CPT is aware that in addition to the normal procedures for complaints (complaint at local level to the Prison Director, followed by complaint to the National Prison and Probation Administration and thereafter to the Administrative Court of Appeal), a prisoner in Sweden may submit complaints to the relevant Parliamentary Ombudsman. Further, it notes that letters sent by a prisoner to the Ombudsman (as well as those sent to a lawyer) must be forwarded without scrutiny. The Committee also understands that the Ombudsman has the power to visit prisons. However, it is clear that he is not in a position to watch over the situation in each and every prison establishment in Sweden on an ongoing basis.

137. In many countries, each prison establishment is visited at regular intervals by an independent body (e.g. a Board of Visitors or supervisory judge), which is empowered to inspect the premises and listen to any grievances that prisoners might have. Such bodies can inter alia play an important role in bridging differences that arise between prison management and a given prisoner or prisoners in general. The CPT considers that the introduction of such a system of regular outside control in Swedish prisons, and in particular in closed establishments of the importance visited by its delegation, would bring significant advantages for both prisoners and the prison administration.

The CPT recommends 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, possessing powers to inspect the prison's premises and hear complaints from inmates about their treatment in the establishment.

d) female prison officers in prisons for men

138. A certain number of female prison officers were working in prisoner accommodation areas at Kumla and Stockholm Remand Prison. The CPT welcomes this step; it considers that the introduction of female prison officers in prisons for men is a positive measure that can improve the general atmosphere within the establishments.

D. Other establishments visited by the CPT's delegation

1. Beckomberga Hospital

139. Beckomberga Hospital is a large psychiatric institution located at Bromma in the County of Stockholm. The principal purpose of the delegation's visit was to examine conditions in the closed unit for use under the Communicable Diseases Act (CDA). However, the opportunity was taken to visit briefly two closed psychiatric wards.

a) the closed unit for persons detained under the CDA

140. This unit was a place to which persons subject to a compulsory isolation order under section 38 of the CDA could be sent (see Appendix III, paragraphs 22 to 24). At the time of the delegation's visit, four persons were detained there. The unit's staff complement totalled 28.

141. The unit had only very recently moved to new premises, and everything was not yet fully in order. Nevertheless, it was clear that the physical conditions were going to be excellent. The unit was very spacious; the detainees had large rooms and access to well-equipped facilities.

142. The persons detained appeared to be reasonably satisfied with the way they were being treated. However, the person who had been in the unit longest (several years) refused to speak with the delegation.

Persons might be given permission to leave the hospital perimeter for a certain length of time, subject if necessary to conditions (section 49 of the Act). The detainees said that they were taken out once or twice a week for a few hours in the company of two staff members. Nevertheless, one of the detainees alleged that she had in the past been confined to the unit for 28 days after testing positive for marijuana.

143. The above-mentioned allegation highlights an issue of particular concern to the CPT, namely the apparent absence of any clear rules concerning the rights and privileges of persons detained under the CDA, as regards both day- to-day life within their units and contacts with the outside world (visits from family members and friends, telephone contacts, correspondence, etc). For example, staff at Beckomberga informed the delegation that there were no rules concerning outdoor exercise for the detainees.

It should be underlined in this connection that persons may be detained for lengthy periods under a compulsory isolation order, and that most if not all of them will not be clinically speaking ill. The stipulation in the CDA that a person in compulsory isolation "is to be well cared for" (section 43 of the Act) is not in itself sufficient.

The CPT recommends that the rights and privileges of a person subject to a compulsory isolation order under the CDA be clearly set out.

b) closed psychiatric wards

144. As already indicated, the delegation briefly visited two closed psychiatric wards, including the ward for the most severely disturbed patients.

Physical conditions in the two wards were good and the staff/patient ratio appeared to be satisfactory. Patients were placed in good-sized single rooms or dormitories for a maximum of four occupants. There was no overcrowding. Patients had access to spacious day rooms equipped with televisions, and there were facilities for table tennis and art therapy. They were also allowed to walk in the hospital grounds on a regular basis, either alone or accompanied by staff. Further, there was ready access to a telephone and no control over patients' letters.

145. The use of seclusion was recorded; it was seldom resorted to, and then only for a few hours at a time. There was also a bed equipped with straps for physical restraint; however, it had not been used during the last eight months. Examination of some medication records revealed nothing untoward; there was no reason to believe that patients were being sedated by medicine.

146. A board responsible for deciding whether compulsorily detained psychiatric patients should continue to be held was in session at the time of the delegation's visit, and the delegation was invited to observe its proceedings.

The delegation was struck by the fact that the board received evidence from the case psychiatrist before the patient was admitted. And it was plain that a clear presumption as to what action should be taken was formed at this stage. The patient was then admitted, and the psychiatrist gave a short presentation of the evidence and his proposals in his presence. None of the patients appearing before the board were assisted by a lawyer. The delegation was told that such assistance was possible; however, like the patient, the lawyer would not hear the psychiatrist's detailed evaluation of the case. More generally, the delegation noted that the board appeared to arrive at highly subjective judgments based on impressionistic appraisals.

In principle, the CPT does not concern itself with the nature of proceedings by which someone is deprived of their liberty or that measure continued. Nevertheless it must be said that the proceedings of the discharge board observed at Beckomberga Hospital were unsatisfactory from a legal standpoint.

147. The CPT understands that new legislation on compulsory psychiatric treatment has recently entered into force, covering inter alia the criteria for involuntary placement in a psychiatric hospital, situations in which medication may be applied to a non-consenting patient, discharge procedures and means of appeal.

The CPT would like to receive a copy of the above-mentioned legislation and of any implementing regulations, as well as related information (explanatory memoranda, etc).

2. Closed unit, Carlslund Refugee Centre

a) conditions within the centre

148. Carlslund Refugee Centre is located at Upplands Väsby, a small town close to Arlanda Airport. The Centre accommodates primarily asylum seekers awaiting the outcome of the examination of their request for asylum, and has a capacity of approximately 500. Most of the Centre's occupants are not subject to restrictions upon their movement. However, the Centre possesses a closed unit, with a capacity of 30 to 35 persons. The delegation was informed that asylum seekers whose requests had been rejected and who it was thought might go into hiding could be transferred to the unit. Further, other categories of aliens might be held there pending the examination of their cases under the Aliens Act and the possible enforcement of a refusal of entry or expulsion order. At the time of the delegation's visit, the unit was holding nine persons.

149. Conditions of detention in the unit were excellent. There was first of all scarcely any impression of being in a custodial situation. Windows were made of reinforced glass and guards from a private security firm patrolled outside; however, there was no perimeter wall or fence or other trait of a detention area.

The unit had approximately 20 spacious and well-equipped bedrooms; the delegation was told that occupants were given the key to their room. In addition, there was a large sitting area with television, a dining room, and table-tennis and weight training rooms. There was access to newspapers and books; further, a quite large internal courtyard was accessible during the day for the purposes of outdoor exercise. The services of a doctor or interpreter could be obtained at short notice.

Persons detained at the unit with whom the delegation spoke indicated that they had no complaints about the way they were being treated.

150. The delegation was told that most persons detained in the unit stayed there only a few days, and this was borne out by the unit's custody register. However, there could be exceptions. Several of the persons in the unit at the time of the delegation's visit had been held there for two to three weeks. Further, two persons who had recently left the unit had been held for respectively two and five months; **efforts should be made to offer additional activities to persons staying in the unit for such lengthy periods.**

b) return to a country where there is a risk of ill-treatment

151. The delegation heard allegations that persons who were refused asylum were sometimes returned to countries where they ran a risk of being ill-treated. Reference was made in this connection to the Government's decision in December 1989 to no longer grant asylum to so-called "de facto" refugees (a decision which the CPT understands has very recently been rescinded). Further, the delegation met several foreign prisoners who expressed considerable fear that on completion of their sentences they would be deported to their countries of origin, where they said they were likely to be tortured.

152. The Aliens Act of 1989 stipulates that an alien refused entry or expelled "may never be conveyed to a country where there is firm reason to believe that he would be in danger of suffering capital or corporal punishment or of being subjected to torture, nor to a country where he is not protected from being sent to a country where he would be in such danger" (Chapter 8, section 1). Similar provisions exist (Chapter 8, section 2) against the sending of an alien to a country where he risks persecution.

The CPT would like to receive information on the practical arrangements and safeguards that exist in order to ensure the respect of the above-mentioned provisions. Further, it wishes to know whether the notions of torture and/or persecution are interpreted in such a way as to cover inhuman or degrading treatment or punishment.

III. RECAPITULATION AND CONCLUSIONS

153. The CPT's delegation heard no allegations of torture in any of the places of detention visited; nor was any other evidence of torture found.

A. Police stations

154. The vast majority of prisoners with whom the delegation spoke stated that they had not been ill-treated by the police. A few prisoners, mostly foreigners, alleged that they had been slapped and/or punched by police officers. In this connection, the CPT has stressed the 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.

155. Physical conditions in the police stations visited were on the whole very good. However, the small cubicles in Stockholm Central Police Station used on occasion for the temporary holding of suspects should be either enlarged or dismantled. Further, arrangements for the provision of meals at customary times to persons in police custody should be checked.

156. The CPT has examined existing formal safeguards against the ill-treatment of detained persons and has made certain recommendations in this area. The Committee is particularly concerned that the rights of a detained person to have the fact of his custody notified to a third party of his choice and to have access to a lawyer, should apply as from the very outset of his deprivation of liberty. At the moment, the pre-arrest stage of custody would appear to constitute something of a twilight zone insofar as the application of these rights is concerned. Further, the CPT attaches considerable importance to any exceptions to these rights being clearly circumscribed and their application made subject to an express time limit.

157. Other recommendations made by the CPT on the subject of safeguards concern inter alia: the information to be given to detained persons on their rights; the possibility for someone in police custody to be examined, if he so wishes, by a doctor of his choice; the drawing up of a code of conduct for police interrogations; and the development of a single and comprehensive custody record.

B. Prisons

158. Scarcely any allegations of ill-treatment in prisons were heard by the CPT's delegation; the only notable exceptions were two prisoners who claimed that they had been handled very roughly when being moved to security cells in remand prisons. Staff and prisoners appeared to be on reasonably good terms in each of the three establishments visited.

159. The CPT is particularly concerned by the absence of regime activities and the isolation of prisoners found by its delegation in Stockholm Remand Prison and the remand centre at Kumla Prison.

160. Regime activities in these establishments were practically non-existent. Consequently, prisoners spent much of their time alone and idle in their cells (the recently created semi-open section at the Kumla remand centre has, nevertheless, significantly improved the situation for some prisoners held there). This situation is all the more serious in view of the fact that prisoners are often held for months at the establishments, and on occasion for more than a year. The CPT has recommended that steps be taken as a matter of urgency to radically improve regime activities; the objective should be to have prisoners spending a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature.

161. An associated problem was the high proportion of remand prisoners (50% at Stockholm) who were subject to restrictions imposed by a public prosecutor on their contacts with the outside world and other inmates. The restrictions often had the effect of placing the prisoners in solitary confinement for very long periods. The CPT wishes to underline that, in certain circumstances, solitary confinement can amount to inhuman and degrading treatment and that all forms of solitary confinement should in any event be as short as possible.

The CPT has made several recommendations designed to strengthen the protection of prisoners in this area. Above all, it must be ensured that the imposition of restrictions on a remand prisoner's contacts with other persons and the prolongation of such a measure are resorted to only in exceptional circumstances and are strictly limited to the actual requirements of the case. The CPT has the distinct impression that at present, restrictions are being applied too liberally.

162. Reference must also be made to the deplorable outdoor exercise area at Stockholm Remand Prison, which consists of a series of small cages perched on the roof of the establishment. Immediate action is required to remedy this situation.

163. Cellular accommodation at Stockholm Remand Prison and in the Kumla remand centre was on the whole adequate. However, steps need to be taken to improve ventilation in the cells at Stockholm as well as the cell window screening arrangements.

164. As regards more particularly Stockholm Remand Prison, the CPT has stressed that there are a series of factors which when accumulated lead to wholly unacceptable conditions of detention for many of the prisoners held in the establishment.

It must be added that ensuring a satisfactory level of regime activities and adequate outdoor exercise facilities at Stockholm Remand Prison will be difficult so long as the establishment remains at its present rather constricted location. Consideration might usefully be given to finding a more favourable site for what may well be both the largest and busiest prison in Sweden.

165. Conditions of detention in the two prisons for sentenced prisoners visited, namely Kumla and Hinseberg, were far superior. Cellular accommodation was more than adequate and good activity programmes were in place. Visiting areas, workshops, sports and library facilities, etc., were of a high standard in both establishments. However, night access to toilet facilities for inmates in Kumla Prison should be improved.

166. The CPT is concerned about the regime applied to maximum security prisoners in the special wing at Kumla Prison. In particular, prisoners' movements within the unit itself are the subject of strict control through the application of a rigid group system. This system has resulted in a poor internal climate and should be reviewed. The activities offered to prisoners in the special wing (and more especially work activity) also need to be enhanced.

167. Further, the well-being, and more particularly the mental health, of prisoners held voluntarily in the isolation unit of Kumla is of concern to the CPT, especially in view of the extended periods of isolation that can be involved. The mental health of such inmates should be very closely monitored, and they should be given the possibility and encouraged to associate with others in voluntary isolation.

168. As regards Hinseberg Prison, the CPT has recommended that arrangements at the establishment for visits and telephone contacts be reviewed, in order to ensure that contacts with the outside world are not being inequitably restricted in the case of certain prisoners. The quantity of food provided to prisoners should also be increased.

169. The resources of the medical services at Kumla and Hinseberg Prisons for dealing with non-acute cases is a further problem area. The principle might be that prisoners should receive the same level of medical treatment as that received by Swedish citizens in general; however, insofar as prisoners not (yet) in need of hospital facilities were concerned, the means were not available for this principle to be fully respected in practice. The psychiatric/psychological needs of non-psychotic prisoners were particularly poorly catered for. The CPT has proposed that the medical services of these two prisons be reinforced.

170. The CPT has also made some recommendations and comments on broader issues related to the CPT's mandate eg. guarantees (the giving of reasons, an opportunity for the inmate to present his views, review procedures) for prisoners separated from other inmates or placed in a special wing on the basis of sections 20 and 20 a. of the Act on Correctional Treatment; the control of violent inmates (procedures concerning the use of force, including instruments of physical restraint); and watchdog procedures. As regards more particularly the latter subject, the CPT has recommended that the Swedish authorities explore the possibility of establishing a system under which each prison establishment would be visited on a regular basis by an independent body, possessing powers to inspect the prison's premises and hear complaints from inmates about their treatment in the establishment.

C. Other establishments

171. No allegations were heard, or other evidence found, of ill-treatment in either the units of Beckomberga Hospital visited or the Closed Unit of the Carlslund Refugee Centre.

172. Physical conditions in the Closed Unit at Beckomeberga for persons detained under the Communicable Diseases Act and in the closed psychiatric wards of the hospital visited were good, and persons detained were clearly being well cared for. However, the CPT considers it important that the rights and privileges (eg. as regards outdoor exercise) of a person subject to a compulsory isolation order under the CDA be clearly set out.

173. Conditions in the Closed Unit of the Carlslund Refugee Centre were also of a very high standard, though efforts should be made to offer additional activities to the few persons who stay in the unit for lengthy periods.

In the light of certain allegations heard, the CPT has asked for information on the practical arrangements and safeguards that exist in order to ensure compliance with the stipulation in the Aliens Act of 1989 that an alien refused entry or expelled may not be sent to a country where he would be in danger of torture or persecution.

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174. The CPT wishes to reiterate that throughout its visit, the Committee's delegation received excellent co-operation from the relevant authorities at both national and local level.

D. Action on the CPT's recommendations, comments and requests for information

175. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I to this report.

176. As regards more particularly the CPT's recommendations, having regard to Article 10, paragraph 2, of the Convention, the CPT requests the Swedish authorities:

- i) to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B. the CPT has indicated the urgency of certain of its recommendations);
- ii) to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Swedish authorities to provide in the above-mentioned interim report, reactions to the comments formulated in this report that are summarised in Appendix I as well as replies to the requests for information made.

APPENDIX I

**SUMMARY OF THE CPT'S RECOMMENDATIONS,
COMMENTS AND REQUESTS FOR INFORMATION**

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).

b) Requests for information

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

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

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);
- 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);

- 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 available in different languages. Further, detainees to be asked to sign a statement attesting that they have been informed of those rights (paragraph 29);
 - a person in police custody to have the right to be examined by a doctor of his choice (paragraph 31);
 - all medical examinations of persons in police custody to be conducted out of the hearing, and preferably out of the sight, of police officers (paragraph 31);
 - the results of all medical examinations as well as relevant statements by the detainee and the doctor's conclusions to be formally recorded by the doctor and made available to the detainee (paragraph 31);
 - 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 to also provide that a record be kept of the time at which interviews start and end, and of the persons present during each interview (paragraph 33);
 - 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);
 - 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).
- b) Comments
- the role that can be played by defence counsel during interrogations might usefully be clarified by instructions or guidelines (paragraph 26).
- c) Requests for information
- the grounds on which the police or a public prosecutor could withhold their consent to a meeting in private between a private defence counsel and his client (paragraph 27);
 - are there circumstances under which a public defence counsel could be denied a meeting with his client in private? (paragraph 27);

- 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).

C. Prisons¹⁰

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 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);
- * 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);
- * 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 (group association activities, education, sport, work with vocational value) (paragraph 62);
- * 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).

¹⁰ Under C.1 to C.3, when the scope of a recommendation, comment or request for information goes beyond the establishment(s) being dealt with, it is preceded by an asterisk.

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);
- * importance of prisoners having ready access to toilet facilities at all times (paragraph 47);
- complaints heard at the Stockholm Remand Prison about the quantity of food provided should be looked into by the competent authorities (paragraph 49);
- a series of factors were found at Stockholm Remand Prison which when accumulated led to wholly unacceptable conditions of detention for many of the prisoners held in the establishment (paragraph 70).

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);
- * the conclusions of the recent review of public prosecutors' powers (paragraph 69).

2. Kumla Prison

a) Recommendations

- appropriate steps to be taken to improve night access to toilet facilities (paragraph 74);
- * 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);
- 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);
- 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);
- 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 (paragraph 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);
- * 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).

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).

c) Requests for information

- the education courses available in the establishment and the number of inmates who can have access to them (paragraph 76);
- 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);
- any special arrangements for visitors who must travel long distances to see a prisoner (paragraph 78);
- the education courses offered to prisoners in the establishment's special wing and the teaching arrangements made for this purpose (paragraph 93);
- 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 avenues open to a prisoner to challenge a decision to place him in a special wing or to renew his placement (paragraph 98).

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 other close friends, are not being inequitably restricted in the case of certain prisoners (paragraph 110);
- the quantity of food provided to prisoners to be increased (paragraph 111).

b) Comments

- complaints heard in the Dalgarden Unit about mouldy mattresses were not entirely without foundation (paragraph 102);
- * 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).

4. Medical Questions

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);
- steps to be taken without delay to improve substantially the psychiatric and psychological services available to inmates at **Kumla Prison** (paragraph 120);
- someone competent to provide first aid to always be present on prison premises, preferably a person with a recognised nursing qualification (paragraph 122);
- 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).

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);
- consideration might usefully be given to reinforcing the medical service at **Hinseberg Prison**, in particular by providing more gynaecological care (paragraph 118);
- serious consideration should be given to providing for a more frequent attendance by a general medical practitioner at **Kumla Prison** (paragraph 120).

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);
- 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).

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).

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).

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);
- 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);
- 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);
- the views of the Swedish authorities with regard to disciplinary procedures in remand prisons (paragraph 134).

D. Other establishments visited by the CPT's delegation

1. Beckomberga Hospital

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).

Requests for information

- a copy of the new legislation on compulsory psychiatric treatment and of any implementing regulations, as well as related information (explanatory memoranda, etc) (paragraph 147).

2. Closed Unit, Carlslund Refugee Centre

Comments

- efforts should be made to offer additional activities to persons staying in the unit for lengthy periods (paragraph 150).

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).

APPENDIX II

LIST OF PERSONS WITH WHOM THE DELEGATION HELD CONSULTATIONS

A. National authorities

Ministry of Foreign Affairs

- Mr Hans Corell, Under-Secretary for Legal and Consular Affairs
- Mr Sune Danielsson, Head of Human Rights Division
- Mr Lars Magnusson, Assistant Under-Secretary
- Mr C-H. Ehrenkrona, Legal Advisor

Ministry of Justice

- Mrs Laila Freivalds, Minister for Justice
- Mr Sten Heckscher, Under-Secretary of State
- Mr Göran Regner, Under-Secretary for Legal Affairs
- Mr Lars Eklycke, Assistant Under-Secretary
- Mrs Christina Kärvinge, Assistant Under-Secretary
- Mr Göran Rosenberg, Deputy Assistant Under-Secretary

Ministry of Health and Social Affairs (Department for Health and Social Welfare/Department for Social Services and Family Affairs)

- Mr Bengt Lindqvist, Minister for Social Services and Family Affairs
- Mrs Anna Hedborg, Under-Secretary of State
- Mr Karl-Ingvar Rundqvist, Under-Secretary for Legal Affairs
- Mr Göran Håkansson, Permanent Under-Secretary
- Mr Bengt Lidal, Assistant Under-Secretary
- Ms Ingrid Pettersson, Assistant Under-Secretary
- Mrs Helena Starup, Assistant Under-Secretary

- Mr Sten Svensson, Deputy Director
- Mrs Christina Gynnå-Oguz, Head of Section
- Mr Raimo Gustavsson, Legal adviser on compulsory care and social legislation,
- Mr Carl Leczinsky, Head of Section

Ministry of Labour

- Mr Erik Lempert, Permanent Under-Secretary
- Mr Christer Norling, Head of Section, Division for Immigration

Ministry of Public Administration

- Mr Olaf Egerstedt, Permanent Under-Secretary
- Mr Claes Kring, Assistant Under-Secretary for Police Affairs

Prosecutor General

- Mr Torsten Jonsson, Prosecutor-General
- Mrs Inger Artin, Head of Division

National Police Board

- Mr Ulf Waldau, Deputy National Police Commissioner
- Mr Ulf Berg, Chief Counsel
- Mrs Christina Bergenstrand, Deputy Chief Counsel
- Mr Karl Åke Pettersson, Police Superintendent
- Mr Jan Värnhall, Stockholm Police Superintendent, Assistant Police Commissioner

National Prisons and Probation Administration

- Mr Björn Weibo, Director General
- Mr Göran Rosvall, Legal adviser at the National Prisons and Probation Administration

National Board of Health and Welfare

- Mr Gunnar Fahlberg, Chief Counsel
- Mrs Christina Doctare, Director of the primary, dental and psychiatric care Unit

National Immigration Board

- Ms Christina Rogestam, Director-General
- Mr Per Erik Nilsson, Deputy Director-General
- and other officials of the National Immigration Board (Head Office, Nörrköping)
- Mr Lars Fransén, Head of Section, Permits Division Carlslund

Parliamentary Ombudsmen

- Mrs Gunnel Norrel-Söderblom
- Mr Hans Ragnemalm
- Mr Jan Pennlöv

Sweden's Discrimination Ombudsman

- Mrs Eva Falkenberg, Legal Officer

Swedish National Police College

- Mr Christer Nyberg, teacher in charge of human rights projects

B. Other persons met by the delegation

- Mr Percy Bratt, lawyer
- Mr Hans-Göran Franck, Socialist MP
- Mr Hanns von Hofer, jurist and criminologist
- Mr Sten Jacobsson, forensic doctor
- Mr Per Stadig, lawyer
- Mr Henrik Tham, former member of KRUM
- Mr Anders Wigelius, former Parliamentary Ombudsman

APPENDIX III

LEGAL FRAMEWORK

1. In the following paragraphs, reference is made to some of the legal provisions in or affecting Sweden that are relevant to the subject of the prevention of torture and inhuman or degrading treatment or punishment of persons deprived of their liberty.

A. Basic human rights safeguards

2. According to section 5 of Chapter 2 (Fundamental Rights and Freedoms) of the Instrument of Government:

"All citizens shall be protected against corporal punishment. All citizens shall likewise be protected against torture or any medical influence or intervention for the purpose of extracting or suppressing statements".

Section 20 of the same Chapter offers similar protection to foreigners within Sweden.

3. The Penal Code contains no specific provision against torture. However, there are various provisions that could be invoked in the event of someone being tortured or otherwise ill-treated while deprived of his liberty; particular reference might be made to the offence of aggravated assault and battery, which carries a maximum penalty of ten years.

4. The commencement of criminal proceedings could be sought by submitting a complaint to the public prosecutor, and an individual claim for damages may be brought in conjunction with criminal proceedings. A victim of ill-treatment by a public official could also if necessary seek redress under civil law.

Naturally, a complaint could also be made to the official's superior authorities with a view to the instigation of disciplinary proceedings.

5. Reference should also be made to the Ombudsmen elected by Parliament (section 6 of Chapter 12 of the Instrument of Government). Their task is to supervise the application in the public service of laws and other statutes, and as such they are an important supplement to the other legal and administrative remedies against public officials who ill-treat persons in their custody. The Ombudsmen can act on the basis of complaints or ex officio, and have extensive powers of access to information (even if confidential or secret) and to summon officials. A Parliamentary Ombudsman has the power to initiate legal proceedings; however, he would usually confine himself to issuing a statement in cases where he finds grounds for criticism. The Ombudsmen submit an annual report to Parliament.

6. Section 7 of Chapter 8 of the Aliens Act 1989 might also be noted under this heading. According to this provision, an alien refused entry or expelled "may never be conveyed to a country where there is a firm reason to believe that he would be in danger of suffering capital or corporal punishment or of being subjected to torture, nor to a country where he is not protected from being sent to a country where he would be in such danger". Similar provisions are to be found in the Extradition Act 1957.

7. At international level, Sweden has ratified the European Convention on Human Rights and accepted all the relevant provisions concerning its supervisory machinery. It has also ratified the United Nations Convention against torture and the International Covenant on Civil and Political Rights.

B. Pre-trial custody

8. Broadly speaking, pre-trial custody of criminal suspects consists of three stages: apprehension by the police, arrest by a public prosecutor, and remand in custody by a court. As regards the apprehension stage, this must be considered in conjunction with the power of the police to oblige someone to stay with them for examination. Section 9 of Chapter 23 of the Code of Judicial Procedure (CJP) stipulates in this connection that a person not under arrest or remanded in custody shall not be obliged to stay for examination for more than six hours; however, this period may exceptionally be extended to 12 hours.

9. The public prosecutor must be notified promptly when someone is apprehended by the police, and the apprehended person must be interrogated as soon as possible. Immediately after this interrogation, the public prosecutor must decide whether the person shall be arrested or released. A request by the public prosecutor for an arrested person to be remanded in custody must normally be made on the same day as the decision to arrest, or at the latest the day after. However, this period can be extended to the third day after arrest. The court must consider the request for remand in custody without delay, and under no circumstances may the remand hearing be held later than 96 hours after the suspect was apprehended (sections 8, 12 and 13 of Chapter 24 of the CJP).

10. The immediate relatives and anyone in especially close relationship with an arrested person shall be notified of the arrest as soon as this can be done without detriment to the investigation and provided the arrested person does not object (section 9 of Chapter 24 of the CJP).

Further, defence counsel for an arrested person (or someone remanded in custody) may not be denied access to him (section 9 of Chapter 21 of the CJP). In this connection it should be noted that such a person shall be appointed a public defence counsel if he so requests (section 3(a) of Chapter 21 of the CJP). Defence counsel may speak in private with his client; however, a counsel other than a public defence counsel may do so only upon the consent of the investigating authority or the public prosecutor.

11. With regard to the manner in which persons are to be treated during interrogations, section 12 of Chapter 23 of the CJP provides as follows:

"During examination, knowingly incorrect information, promises or hints of special advantages, threats, force, questioning for an unreasonable length of time, or other improper measures may not be used in order to cause a confession or an incriminating statement. The examined person may not be deprived of customary meals or prevented from enjoying required rest".

12. Persons remanded in custody must be placed in a remand prison (häkte), and indeed they will often already have been located in such an establishment as from the time of their arrest. The 1976 Act on remanded and arrested persons establishes the general principle that persons detained are to be treated in such a way as to ensure that any harmful consequences ensuing from their deprivation of liberty are minimised. The Act and implementing regulations go on to spell out in considerable detail the facilities to which persons held in remand prisons should have access. It should be noted, however, that the Act also gives a broad power to public prosecutors to restrict a detainee's contact with the outside world (visits; letters; telephone calls; access to television, newspapers, etc.) and his association with other inmates, if he considers that such contact or association could impede the investigation. Complaints against restrictions imposed can be submitted to a hierarchically superior prosecutor.

13. As regards material conditions in detention cells in police stations and remand prisons, reference should also be made to decree 1958/215 (last amended in 1987). It is stipulated that cells are to be equipped inter alia with a chair, a table, a bed with the necessary bedding, and a toilet and washbasin; further, they must have adequate heating, ventilation and lighting arrangements as well as a system for calling the attention of staff. Minimum size requirements are also laid down (at least 6 square metres, and a height of at least 2.5 metres).

C. Terms of imprisonment

14. Persons sentenced to a term of imprisonment are placed in either local or national correctional institutions (both of which may be either open or closed). Persons sentenced to more than one year are usually placed in a national institution.

15. The Act on Correctional Treatment in Institutions (section 4) states that the aim of correctional treatment is "to promote the adjustment of the inmate in society and to counteract the detrimental effects of deprivation of liberty ...".

Section 9 (1) of the Act should also be cited: "Inmates shall be treated with respect for their human dignity. They shall be treated with understanding for the special difficulties connected with a stay in an institution".

16. The Act and implementing regulations deal in detail with the different aspects of the day to day life of prisoners.

Specific reference should be made in this context to the provisions of the Act dealing with the separation of inmates from others for different reasons: section 18 (voluntary separation); section 20 (1) (prisoners considered to be a danger to themselves or others, or more generally to good order within the establishment); section 20 (2) (prisoners sentenced to at least two years imprisonment who it is considered need to be kept separate from other inmates in order to prevent their escape); section 20 a. (placement in a special wing of prisoners referred to in section 20 (2) who it is considered need to be kept separate for an extended period, and of prisoners whose placement in such a wing is considered necessary to stop them from participating in criminal activity of a serious nature during their stay in the establishment); section 23 (temporary separation of violent or intoxicated prisoners); section 50 (temporary separation of a prisoner during the investigation of disciplinary matters, if this is considered necessary in order to prevent the purpose of the investigation being jeopardised).

17. However, it should be emphasised that solitary confinement as a punishment for a disciplinary offence no longer exists in Sweden. Disciplinary action may only take the form of i) a warning to the inmate; ii) an order decreeing that a specified period not exceeding 10 days shall not be counted towards the term of sentence being served. Further, the second form is limited in that the total of the periods ordered in the event of repeated offences may not exceed a set amount; for inmates serving more than four months, the different periods ordered must not total more than 45 days. Disciplinary sanctions imposed can be appealed against to the National Prison and Probation Administration and thereafter to the Administrative Court of Appeal. Further, all decisions concerning disciplinary sanctions are notified to the National Prison and Probation Administration, which has the power to amend them.

18. Prisoners may submit complaints to the Prison Governor, whose decisions may be appealed to the National Prison and Probation Administration. From there, an appeal can be lodged with the Administrative Court of Appeal. A special procedure is foreseen for cases concerning conditional release.

As already indicated, prisoners can also submit complaints to the Parliamentary Ombudsman and may bring legal proceedings in appropriate cases.

Section 25 of the Act on Correctional Treatment stipulates that correspondence between an inmate and a Swedish official body or a lawyer is to be forwarded without scrutiny.

D. Other forms of detention

19. Persons may be deprived of their liberty on the basis of a number of other laws. Particular mention should be made in this report of the Aliens Act 1989 and the Communicable Diseases Act 1989.

20. The Aliens Act allows aliens to be detained on a number of grounds eg. if their identity is unclear on arrival in Sweden; if it is probable that the alien will be refused entry or expelled in pursuance of various provisions; if the question arises of enforcing a refusal of entry or expulsion order.

Generally, an alien may not be detained for more than two weeks. However, both shorter and longer periods are provided for in specific cases (48 hours, more than two weeks and, in the case of enforcing a refusal of entry or expulsion order, two months or more). Detention orders can be appealed to the Administrative Court of Appeal and/or the Supreme Administrative Court.

21. The provisions of Section 7 of Chapter 8 of the Aliens Act (see paragraph 6) should also be recalled in this context.

22. The Communicable Diseases Act makes provision for various coercive measures vis-à-vis persons infected with a "serious infectious disease" (listed in the Act's Schedule). In particular, a compulsory isolation order may be issued under Section 38 of the Act, which reads as follows:

"The county administrative court, on being petitioned by the county medical officer, shall make an order for the compulsory isolation of a person carrying infection from a serious infectious disease if that person does not voluntarily comply with the measures needed in order to prevent the infection from spreading. An order of this kind is also to be made if there is good reason to suppose that the infected person is not complying with practical instructions issued and this omission entails a manifest risk of the infection spreading. Compulsory isolation is to take place in a hospital run by a county council".

23. A compulsory isolation order can be made initially for up to three months. Subsequently, on a petition by the county medical officer, it may be renewed by the county administrative court for periods of up to six months at a time.

24. As regards care during compulsory isolation, Section 43 provides as follows:

"A person in compulsory isolation is to be well cared for. He is to receive the support and assistance needed and is to be motivated to alter his attitude and way of life in such a way that the compulsory isolation can be terminated".