

EXECUTIVE SUMMARY

The main objective of the visit was to review the measures taken by the Swedish authorities in response to the recommendations made by the Committee after previous visits. In this connection, particular attention was paid to the safeguards against ill-treatment of persons in police custody and the use of restrictions vis-à-vis remand prisoners. The delegation also visited a forensic psychiatric establishment in order to examine the treatment and legal safeguards offered to patients admitted on an involuntary basis. It also reviewed the situation of foreign nationals, held in immigration detention centres and prisons, and the conditions of detention of sentenced prisoners in the high security prison.

Police establishments

The conclusion reached by the Committee after the 2009 visit – namely that persons deprived of their liberty by the Swedish police run relatively little risk of being physically ill-treated – remains valid. The conditions of detention in police establishments were generally acceptable for the maximum period of police custody (i.e. up to 96 hours).

However, the delegation did receive some allegations, including from juveniles below 18 years of age, of the police having used excessive force upon apprehension. The delegation also received one recent allegation of physical ill-treatment while the person concerned was already inside a police station.

The Committee reiterates its recommendation that the Swedish authorities continue to deliver a firm message, including through on-going training activities, that all forms of ill-treatment of detained persons are not acceptable and will be the subject of severe sanctions.

In this context, the procedure for screening newly arrived persons at police detention facilities continued to leave much to be desired. Medically untrained duty officers performed an initial external body check and asked the persons detained about any health problems (including, in principle, any injuries and their origin). It was then up for the duty officer to decide whether medical assistance was needed and whether a doctor, a nurse or an ambulance had to be called in.

The Committee wishes to emphasize once again that in order for the procedure for medical examination to genuinely contribute to the prevention of ill-treatment, steps must be taken to ensure that, whenever it is performed, the examination of persons admitted to police facilities is performed by qualified health-care personnel in a systematic and thorough manner, and duly recorded in a dedicated register. Further, information entered into this register should be systematically transmitted to the relevant investigative authorities.

In the reports on its previous visits to Sweden, the CPT has repeatedly made a number of recommendations and comments as regards safeguards for persons detained by the police, namely the right of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor. Unfortunately, the Committee is concerned to observe a lack of progress in this area since the 2009 visit.

The CPT reiterates its recommendations that the Swedish authorities take the necessary steps to ensure that the safeguards against ill-treatment are applied to all categories of persons from the very outset of their deprivation of liberty. In particular, the right of persons deprived of their liberty by the police to have access to a doctor should be made the subject of a specific legal provision.

Further, the CPT calls upon the Swedish authorities to take effective steps to ensure that all persons apprehended by the police are fully informed of their fundamental rights as from the very outset of their deprivation of liberty in a language they understand.

Finally, as regards the mechanisms for the investigation of complaints of police ill-treatment, the Committee concludes that the setting up of the new Internal Investigation Department has addressed most of the CPT's concerns. In particular, the independence of the mechanism has been strengthened significantly. However, it remains an open issue whether the new Department will also be perceived as independent by the general public, given that it is still formally a part of the Swedish Police Authority. Therefore, the Committee reiterates its recommendation to reconsider the need for the investigation of complaints against the police to be entrusted to an agency which is demonstrably independent of the police.

Establishments for foreign nationals deprived of their liberty under aliens legislation

The delegation did not receive any allegations of ill-treatment by staff of Migration Agency Detention Centre in Märsta; material conditions were also generally of a high standard.

However, despite the CPT's recommendations from the report on its 2009 visit, there was still no systematic medical screening upon arrival at Märsta detention centre, and medical confidentiality was not ensured.

The Committee reiterates its recommendations that the Swedish authorities take measures to ensure that all newly-arrived foreign nationals benefit from a comprehensive medical screening as soon as possible after their admission and that confidentiality of medical data is respected.

As regards the safeguards, the CPT recommends that the relevant legislation be amended so as to ensure that all persons held under aliens legislation have an effective right of access to a lawyer as from the very outset of their deprivation of liberty and at all stages of the proceedings.

Prisons

The CPT welcomes the efforts of the Swedish authorities which have led to elimination of overcrowding and allowed to improve access to organised activities for sentenced prisoners.

The Committee also notes that most of the inmates interviewed by the delegation spoke positively about the staff, the general atmosphere in the prisons visited was relaxed and prison officers appeared to be highly professional and well-trained.

However, the Committee regrets that despite 24 years of on-going dialogue between the CPT and the Swedish authorities on the matter, there are no real signs of progress as regards the widespread imposition of restrictions on remand prisoners.

Moreover, the newly adopted Instructions of the Prosecution Authority, general advice about restrictions and Guidelines on restrictions and long periods of pre-trial detention do not seem to be likely to bring about the desirable change since they limit themselves to providing clarification necessary to ensure consistency in the application of the existing legislation.

The CPT recommends that the Swedish authorities take swift and decisive action, including legislative changes if necessary, to ensure that restrictions on remand prisoners are only imposed in exceptional circumstances which are strictly limited to the actual requirements of the case and last no longer than is absolutely necessary.

As regards the situation of prisoners held in conditions of high security, the Committee was concerned to discover that eight out of ten prisoners in the high-security unit of Saltvik Prison (segregated for their own protection) were placed there, seemingly, without appropriate legal grounds and, as a result, were subjected to the same level of segregation as persons who were considered as representing a particularly high security risk.

The CPT recommends that the above-mentioned legal lacuna be eliminated as a matter of priority and that the Swedish authorities take steps to find alternative accommodation – outside the high-security unit – for prisoners segregated for their own protection.

Further, the delegation noted that the decision about placement in a security unit was taken by the General Directorate of the Prison and Probation Service without informing the prisoner concerned about detailed grounds for such a placement and thus effectively depriving him/her of a real possibility to appeal against the placement decision (and any decision to continue the placement). The CPT recommends that the Swedish authorities take measures to ensure that placement and/or review of placement in conditions of high security is based on a full individualised assessment of the risks requiring it and that the prisoner concerned is offered the opportunity to express his/her views on the matter.

Overall, the material conditions for the mainstream prison population were good in the prisons visited. That said, all the cells at Kronoberg Remand Prison and most of the cells at Falun Remand Prison did not have in-cell sanitation and the delegation received a few complaints about delays in gaining access to the toilet. The CPT recommends that steps be taken to ensure that prisoners who need to use a toilet facility are released from their cells without undue delay at all times (including at night).

As regards regime, it remained impoverished for remand prisoners, whether subjected to restrictions or not. The CPT emphasizes that it is not acceptable to leave prisoners to their own devices for months at a time and recommends take measures to ensure that all remand prisoners are able to spend a reasonable part of the day outside their cells, engaged in purposeful activities of a varied nature.

As for the regime for sentenced prisoners at Saltvik Prison, the delegation gained a positive impression of the efforts made to engage prisoners in educational, vocational and other structured activities.

The delegation was informed that special units for detained foreign nationals had been opened in January 2015 in the prisons of Norrtälje and Storboda. The delegation visited such a unit at Norrtälje Prison and was concerned to receive allegations of recourse to unofficial collective punishments.

The CPT calls upon the Swedish authorities to carry out a thorough and independent inquiry into these allegations; if the above-mentioned practice is found to indeed exist, it should be terminated immediately. Furthermore, the CPT recommends ensuring that all detained foreign nationals transferred to the Prison and Probation Service establishments are fully informed of their situation, their rights, and the procedure applicable to them.

Regarding health-care services in prisons, the CPT reiterates its assessment from the 2009 visit that the presence of doctors (including psychiatrists) is insufficient in some of the prisons visited and recommends that this be increased. Other recommendations include that a person qualified in first-aid always be present in prisons including at night and on weekends; a medical screening be carried out systematically within 24 hours of admission of a newly arrived prisoner; the injury recording procedure be reviewed to ensure a report is immediately and systematically brought to the attention of the competent authorities in all cases; the distribution of medicines be performed solely by health-care staff, and that prisoners be able to have access to the prison's health-care service on a confidential basis.

Recommendations made as concerns security-related issues include that the Swedish authorities review the role of health-care staff in the context of segregation of prisoners; necessary steps be taken to ensure that relevant principles and minimum safeguards are applied in prisons whenever recourse is had to mechanical restraints; and that every instance of use of force/special means be recorded in a dedicated register.

The Committee also recommends that the Swedish authorities eliminate the existing legislative lacuna and adopt provisions concerning the visiting entitlement for prisoners, and that measures be taken to ensure that prisoners have access to a telephone and are able to receive visits without disproportionate restrictions.

Psychiatric establishments

The CPT's delegation visited the Regional Forensic Psychiatric Clinic in Växjö. No allegations were heard of any form of ill-treatment by staff; on the contrary, most of the patients interviewed spoke highly of the staff. Further, the Committee found the living conditions, treatment, activities and staffing levels to be generally adequate. That said, the CPT invites the Swedish authorities to take steps at Växjö Forensic Psychiatric Clinic to increase the number and the times of presence of psychiatrists on the units and to involve more patients – and at more frequent intervals – in therapeutic and rehabilitative activities.

Regarding the use of means of restraint, the CPT was concerned by the practice of doctors authorising (or confirming) recourse to means of restraint by telephone, without actually seeing and examining the patient; such a practice must be stopped.

As regards safeguards, the Committee recommends that the relevant legislation be amended so as to specifically provide for an obligatory psychiatric expert opinion (independent of the establishment in which the patient is placed) in the context of the review of the measure of involuntary hospitalisation. Furthermore, the CPT calls upon the Swedish authorities to introduce in all other psychiatric establishments in Sweden, without further delay, a procedure whereby patients and (if they are legally incompetent) their legal representatives are placed in a position to give their free and informed written consent to treatment (prior to its commencement).